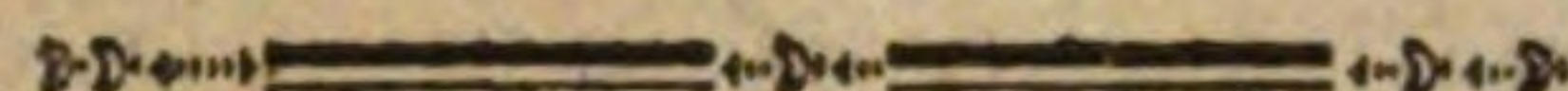


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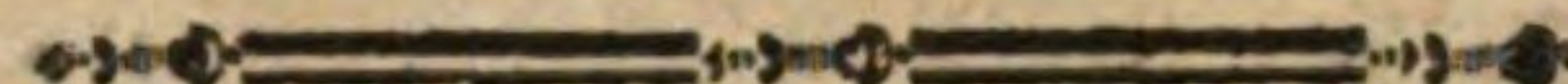
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THE CATHOLIC COMMITTEE'S LETTER.



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E R R A T A.

- P. 16. for *imperviously* read imperiously.
P. 17. dele No. VIII in the Appendix.
P. 20. for 23d. read 3d.
P. *ii. for 20th. read 8th.

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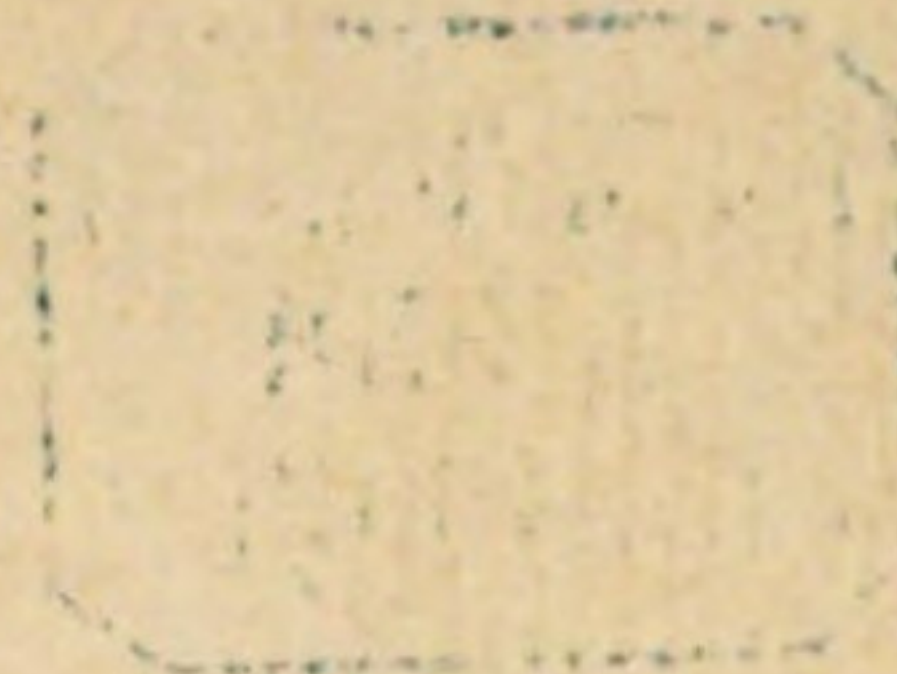
L E T T E R

ADDRESSED TO THE



CATHOLICS OF ENGLAND,

BY THE



CATHOLIC COMMITTEE.

L O N D O N:

Printed by J. P. COGHLAN, No. 37. DUKE-STREET, GROSVENOR-SQUARE.

M DCC XCII.

= Flug. 12.

MY LORDS AND GENTLEMEN,

THE term for which we were appointed, under your unanimous resolution at the General Meeting on the 3d May, 1787, to be a Committee "to watch over and promote " your public interests," expires on the 3d of May in the present year: but, before the connection, which has so long subsisted between us, is dissolved, we entreat leave to call your attention to a short view of the past and present state of Catholics in this kingdom.

I.

In the 11th year of the reign of Queen Elizabeth, Pope Pius V. fulminated against her his Bull *Regnans in Excelsis*.—Not content with excommunicating that sovereign princess, the ill advised Pope attempted to deprive her of her crown, and declared her subjects absolved from their allegiance.

This is the fatal date of the penal statutes enacted against that portion of Englishmen, who continued, after the change of religion, in their country, to profess the faith of their ancestors, and abide in communion with the See of Rome.

In succeeding reigns, new penalties and disabilities have been constantly accumulated against the English Catholics. On the accession of the reigning family to the throne, the Catholics were suspected of disaffection to the government;—an Act was passed authorizing two or more Justices of Peace to tender oaths, which Catholics would neglect or refuse to take, and being thus made Popish Recusants convict, would become exposed to all the rigour of the Penal Laws.

But justice and humanity have ever characterized the HOUSE OF BRUNSWICK.—It was the wish of George the First to relieve his catholic subjects, and by attaching them to his person and government, to admit them into a participation of the blessings enjoyed by
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other Britons. A negotiation was opened with the Catholics. Mr. Craggs conducted, under the first Earl Stanhope, that negotiation. Every thing seemed settled, when an unfortunate disagreement among some of the Catholic Gentry blasted their hopes of relief. The negotiation was abruptly broken off,—suspicions were entertained, that, the Catholics were not yet reconciled to the settlement of the crown in the Brunswick line.—This supposed disaffection was soon after punished by a fine of 100,000 pounds ordered by Act of Parliament to be raised, within one year, upon their estates.

The Catholics however have suffered very little molestation from the government of the Brunswick family. No new sanguinary laws have been enacted; no old sanguinary laws enforced. Some restrictions, indeed, have been added, and some of the old statutes occasionally executed.—But the misfortune of the Catholics has ever been, that, the great mass of penal and disabling statutes have constantly enforced themselves by a silent and uniform operation.

The general prosperity and the general light which increased, with rapidity, in the nation, were favorable to the Catholics. In former periods the public hatred had been directed alike, against their religious and their political tenets. Under the present family their supposed political principles seemed alone to render them hateful to their country, and suspected to government. The fury of religious controversy was every where abated. A right in national churches to persecute dissenters on account of any persuasion, purely religious, was a principle, which the humanity of an enlightened age could not consider without abhorrence. It was allowed, that Catholics ought not to be punished merely for their speculative doctrines;—but could they give security to government as men and citizens? Are their principles of social, civil, and political duties consistent with a free constitution in a protestant country? Their connection with the Pope as first bishop of their religion, their supposed adherence to the interest of the abdicated family, were still thought sufficient motives to render them unworthy of any marked indulgence.—But whatever disaffection might remain among them, they certainly were not singular in their old attachment; but shared that disaffection with other nonjurors, and a large number of their fellow-subjects, particularly of those who were denominated the Tory party.

The behaviour of the Catholics after the Revolution had, in general, been peaceable; even in the rebellion of 1745, few of any consideration in their body, had shewn a disposition to distress the settled government. Prejudices gradually wore away. When his pre-
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sent Majesty acceded to the throne, all parties were reconciled to the settlement. Disaffection to the person or government of the king was entirely extinguished.

It was not however till the year 1778, that the catholic body could embrace an opportunity of avowing their attachment to the principles of the Revolution, and their affection for the Brunswick family. Amid the disasters of the American war, their Nobles and Gentry presumed to approach the royal presence. In the * address which they were permitted to offer to the Sovereign, they assured him of the respectful affection which they bore to his person, and of their true attachment to the civil constitution of their country. If they dissented from the legal establishment in matters of religion, they declared their *dissent* to be purely conscientious.

Thus the English Catholics pledged themselves to support the constitution of their country, *as perfected by the Revolution*. In civil concerns nothing remained to discriminate them from the most loyal and patriotic of their fellow-subjects. They had seen the happy effects, and had learned to love and admire the great improvements which the Revolution had produced. If in matters of religion they conscientiously dissented from the legal establishment, that dissent was common to them, on however different grounds, with many other descriptions of their fellow-subjects, who were most zealously attached to the laws and liberties of their country. Equal then to the Protestant Dissenters in attachment to the King and Constitution, might they not lawfully conceive the hope of seeing themselves indulged with an equal toleration of their religious creed and worship, and an equal participation in the blessings of British subjects?

Some relief was granted in 1778; but that relief was extremely partial. It placed the Catholics in a situation unparalleled perhaps in the annals of any kingdom. For it authorised them to acquire, possess, and transmit property, and yet left them aliens in their native land, exposed to daily conviction of recusancy, and trembling perpetually under the uplifted scourge of an oppressive and sanguinary code of laws.

If the penal statutes had been executed, in any period, to their full extent, every catholic family must have been extirpated in this land. Even the Act of 1778 secured them no civil or religious existence. They continued to live by sufferance. If they walked in the streets of London, if they breathed the air of England, it was only because

* See the Appendix, No. I.

the spirit of the people was more merciful, than the injunctions of the law. Unfortunate objects of national odium and national oppression, when their neighbours grew ill natured, they might be reviled and insulted with impunity; and when vindictive, they might be molested and removed beyond the protection of government itself.

Scanty as the relief granted in 1778 really was, yet the legislature wisely secured the loyalty and obedience of the Catholics by a solemn Oath of Allegiance and Abjuration. Precautions were taken to make them disclaim those principles, which, in the heat of religious animosities, had been imputed to them, as if they deemed it lawful to violate all faith pledged to heretics, and meritorious to destroy their persons. They were called upon likewise to renounce and abjure the doctrine of murdering or dethroning kings in virtue of a papal excommunication. The murdering doctrine had never been held by any portion of Catholics in the most ignorant, factious, and turbulent times; but the deposing power had since the days of Pope Gregory Hildibrand met with too much countenance. It had indeed been resisted, when first claimed, as a profane novelty*; but while the influence of Rome predominated in the governments of Catholic Europe, the principle of that doctrine was very generally admitted, and the practice of it was not unfrequent. During the struggles of the Reformation, when Rome saw her grandeur, and her interests falling on every side, the papal court revived its claims of right to depose monarchs with double energy and perseverance. Unfortunately for the Catholics of England a powerful party among them blended that political doctrine of Roman ambition, with the tenets of the catholic religion. For more than a century that party attempted to impose a groundless and pernicious opinion, as an article of faith. From the reign of Elizabeth to the end of Charles the Second's reign, the English Catholics never dared to condemn, in a body, the Transalpine usurpation. But in 1778, none were found among them who hesitated, to renounce, reject, and abjure the dangerous imposture. The extravagances of Parsons and Sanders had no longer abettors.

Thus engaged by oath to support the crown and government of the country, could it be foreseen, that the Catholics would be disturbed in the enjoyment of that partial relief, which the legislature had granted them? But either their address to the Crown and the oath prescribed to them by Parliament were not considered, or the inveterate prejudice, that, no oaths could bind them to persons of a different religion, revived with increased acrimony. Certain it is, that the small relief indulged to a body of men, formidable neither by their

* *Id contigit quod solet rebus novis atque in auditis, nempe ad rei novitatem obstupescere omnes.* Bossuet *Defensio Declarationis Cleri Gallicani*, Pars 2. lib. 4. c. 7.

numbers nor their resources in this country, had nearly proved a national calamity. Animosities burst forth among many over zealous protestants, and the horrors of 1780 ensued. —But the ferment was momentary: good sense and humanity prevailed over a misguided populace. In a few years the quiet temper of the nation encouraged hopes of obtaining more ample redress. At a General Meeting of the English Catholics in 1788, your Committee was directed to make an application to Parliament for their relief early in the next Sessions*.

II.

In complying with your directions the AIM OF OUR ENDEAVORS was to obtain, as far as Government would allow it, a repeal of all those laws, which placed us in any respect in a situation worse than that of other non-conformists to the National Church. In the letter we before had the honor to address you, we mentioned the chief circumstances, which attended our first communications upon this subject with persons in power. After the business had reached a certain degree of forwardness, it was recommended to us to prepare the draft of a Bill to repeal the laws which aggrieved us.

There were two plans upon which a Bill of this nature might be prepared. One—to repeal, by a general clause, all the laws against the English Catholics, with a subsequent exception of those, which the Legislature seemed inclined to continue.—The other,—to recite, under different heads, the acts of Parliaments which the Legislature seemed inclined to repeal, and at the end of each particular head, to repeal the different acts comprized in it, with such exceptions or restrictions, as it was supposed the Legislature would require.—Each of these plans had its advantages and its disadvantages.—After much deliberation the latter plan appeared to be preferable; particularly as it presented a more minute and distinct view of the object and operation of the bill: and as in case of objections to any part of it, the part objected to might be discussed, without bringing the other parts into controversy; so that any part of it might be amended, or even rejected, without affecting the rest.—This plan therefore was adopted, and our Secretary prepared the bill accordingly. At his request, it was laid before a Barrister of distinguished eminence, and perused, signed, and approved of by him. We send you a copy of this bill†. Had it passed into a law, it would have repealed all the laws, by which, previously to the passing of the act of last year, we were

* The Committee began the Execution of the Trust delegated to them, by presenting the Memorial to Mr. Pitt, (Appendix, a.)

† It is printed in the Appendix, No. II.

in a worse situation than the protestant dissenters, and thereby placed us exactly on a level with them.

THIS BILL, and THIS BILL only, you will please to consider, as the Bill of your Committee. We repeat from our letter to Mr. Douglas, that whatever alterations were made in it, all were made more or less, against our consent. Some of them necessarily appeared to us less objectionable than others:—but to all of them we objected.—If ultimately, we adopted or acquiesced in any of them, it was either in consequence of advice, to which it would have been unwise or imprudent in us not to defer, or of directions which it was impossible for us not to obey. We request you to give this bill your attentive consideration. If you compare it with the bill, as it was first brought into the House of Commons, or as it was altered there, or as it was taken to the House of Lords, you will find, that it neither contains the appellation of protesting Catholic Dissenters, nor the oath, nor any of the provisions, which were objected to by the Apostolic Vicars, nor any one of the clauses, (except those relating to presentations and the practice of the law) which were objected to by any one Member of Parliament.

Such was the object, and such the intended operation of our bill; and in this state it was communicated to those persons, who particularly interested themselves in our cause, or whose rank, abilities or situation in the country, made such a communication necessary or desirable.

In this stage of the business the instrument of protestation * was tendered to us. In our former letter we gave you an account of the rise and progress of this event.—Again we repeat to you, that, the protestation was not framed by us:—that it did not in any sense of the word originate with us:—that the instant we received it we transmitted it to all the Apostolic Vicars: and that it was tendered by us to no person in any district, until the Vicar Apostolic of that district had signed it or withdrawn his opposition to it.—But after it had received the approbation of the Apostolic Vicars, we exerted our utmost efforts to circulate it; and Clergy and Laity, it was signed by all.

Salutary indeed was the effect of this measure.—The instrument of protestation contained the avowed objections of protestants, and the answers, which they declared were satisfactory.—The signatures to it shewed it contained the general sentiments of the English

* See the Appendix, No. III.

Catholics. Thus therefore, we had come forward as men and citizens, and disclaimed every tenet of an impropertendency, which the weak or the wicked among Catholics had ever maintained, or which ignorance or malice had ever imputed to the body: we had openly avowed, to our King and our country, the purity and integrity of our moral and political principles. After this, ALL must acknowledge, it would be unwise, impolitic, and cruel in the extreme, to continue in force against the Catholics, that code of sanguinary and oppressive laws, which nothing had ever justified,—nothing had even excused,—but the prejudice conceived against them, on the supposed corruption of their moral and political creed.—Having openly and explicitly vindicated our innocence on this head, the nation felt the time was come, in which an essential relief should be granted to us; with respect to the mode and the measure, in which it should be granted, there was still some difference of opinion.—But that relief should be granted was denied by none. To continue the penal statutes in these circumstances would be worse than to enact them*.

Struck with these happy effects of the instrument of protestation, some of our most respectable friends advised, in a manner, which made it imprudent, if not impossible, to reject their advice,—that the protestation should be altered to the form of an oath.—The same persons who advised the protestation should be inserted in the bill, in the form of an oath, advised also, that the form of the act should be changed, and that the bill should be framed on the plan which we first mentioned to you: viz. a repeal of the laws against the Catholics, by one general clause, with a subsequent exception of those laws, which the legislature should think proper to continue. This advice had the sanction of the person, who holds the highest legal situation in this country. We found it necessary to obey, and the act was altered accordingly. Thus altered it was brought into the House of Commons.

It was received by the House in the most favorable manner. That the Catholics were deserving of relief; that relief ought to be granted to them; that it should, THEN, be granted to them,—was most emphatically and most eloquently declared from every quarter of the House. In two points only there was a difference of opinion;—Whether the form of the bill was proper,—and whether the oath it contained should be continued, or altered, or entirely rejected, and another substituted in its stead? That the form of the bill should be altered—seemed the general opinion. To this, besides other objections, there was that of the delay which it would necessarily occasion: but the opinion for an alteration prevailed. The bill was therefore altered, and in this its altered state, it approached very nearly to the form, in which we had first drawn it.

* The Petitions presented by the Committee to the Houses of Parliament, and the Case circulated among them, are in the Appendix, No. IV. and V.

With respect to the oath, our sentiments upon it were these;—The favorable disposition of the public,—and the readiness, which the legislature shewed to grant the relief petitioned for, were considered by us as owing in a great measure to the protestation.—In this we were by no means singular. It was the opinion of the best and wisest of our friends. That part of our fellow-subjects, from whose prepossessions we had most reason to dread opposition to our relief, were, after they had considered our protest, cordially reconciled to the equity of the measure.—The protestant dissenters surrendered, by immediate conviction, every ancient jealousy and suspicion, and gave us their good wishes and support. In a letter, which the noble Lord, who moved our bill in the House of Peers, has since been pleased to write us, his Lordship thus expresses himself;—“It is highly creditable to the liberal spirit of the times,---that I could have but little distinction in the part that I took. The concurrence was universal, for restoring you to those immunities to which your unambiguous abjuration of any interest separate from that of the community irrefragably established your right.---I am convinced your sentiments, as citizens, have long merited that indulgence.---But it required your public profession, as an aggregate body, to authorize the legislature to remove restrictions, which the unfortunate temper of earlier times had rendered perhaps indispensable.” After this, you will not be surprised at the partiality of your Committee to the oath, as it was originally framed upon the protestation.

But this was not all ---The protestation was a solemn instrument, signed (with few exceptions indeed) by all the Clergy and all the Laity. To the Minister, to the Houses of Parliament, to the Nation, your Committee had solemnly presented it, as an explicit and unequivocal declaration of the sentiments of the English Catholics, as men and citizens. The oath (whatever might be the sentiments of others) was, in the opinion of your Committee, a counterpart of the protestation. To withdraw the oath appeared to us receding from the protestation. To recede from the protestation we held in horror; we thought it an act of unjustifiable perfidy; we were persuaded it would cover the body, and ourselves in particular, with ignominy, and make us for ever despicable in the eyes of men of honor, principle, consistency of character, or truth. We never therefore could be induced to solicit the withdrawing of the oath.---But here we rested. When your present oath, or the oath of 1778, or the Canada oath, or any other unobjectionable oath was proposed, we never refused to testify our readiness to take it, if the legislature should think proper to impose it on us; but at the same time we uniformly declared, we had no conscientious objections to the oath as it then stood.---We said we had signed the protestation; that we considered the oath to be a counterpart of the protestation, and that from the protestation we never would recede.

Besides,

Besides,—the highest authority of administration had expressly assured us, that none of the above mentioned oaths would be admitted.

Some alterations however in the oath were introduced in the House of Commons, and if it had remained in the form in which it was worded when the bill left the Commons, it was generally supposed, few, if any of the Catholics, would have objected to it. Some new clauses were introduced, and some of the old clauses altered.

The most material discussion which took place respected the clause enabling us to present to advowsons. This right is a civil right annexed both by the civil and the canon law to the person of the founder and his representatives.—Representation (we need not mention to you) is affected by transmission of blood, transmission of property, or transmission of civil capacity. By the laws of England and of every country, when feudal descent has prevailed, advowsons have been annexed to the property (except where they have been annexed to the civil capacity, as in cases of corporations) of the founder. Thus it is a civil right, and a part of our landed property. The use of it was denied us, and consequently the recovery of it was properly an object of a bill framed to relieve us from the disabilities incurred by the exercise of our religion. As few Catholics are possessed of advowsons, to be deprived of this right was no great sacrifice of property to them; but when all his Majesty's other subjects, Dissenters, Quakers, even Jews, were permitted to enjoy it, that Catholics alone should be deprived of it, was an humiliating exception, which as men of honor they could not but feel, and therefore supposed all honorable men would feel with them*. These arguments were allowed their weight, but it was said, the matter probably would not be rightly understood by the public at large; it might therefore give occasion to alarm and jealousy; and, by that means, disturb the general good humour towards the bill, which fortunately prevailed every where. The clause was rejected, and, with these alterations, the bill was taken to the House of Lords. On the first reading of the bill in the House of Lords, the House shewed a general disposition in its favor. A motion however was made to postpone the second reading of the bill to a day so distant, that the motion, if carried, would have lost the bill for the session; but it was withdrawn, and some alterations were made. The Irish oath, with an insertion of an express recognition of the act of settlement, was substituted in the place of that inserted in the House of Commons. The clause which enabled

To explain the nature and justice of this claim, the Committee circulated among the Members of Parliament the paper in the Appendix, No. VI.

us to practise the law was opposed by the Chancellor; the House divided upon it, and it was carried by a very considerable majority.

On its return to the House of Commons, the bill met the same kind of reception which had attended it on its first entrance there. The substitution of the Irish oath was acquiesced in.—After the bill was gone through in the usual forms in the House of Commons, it was returned to the House of Lords. It passed there without further opposition, and on the 10th day of June 1791 received the Royal Assent.

This brings us to the close of our narrative.—It was the good fortune of the Catholics, that the bill was ushered into the House of Commons by a gentleman, of whose honor, abilities, enlarged and cultivated understanding, the public have long entertained the highest opinion:—and that it was conducted through the House of Lords by a noble Peer, not more illustrious for his splendid descent and alliances, or his natural and acquired endowments, than his love of justice and universal benevolence.

The marked and decisive support, which on every occasion the bill received from Mr. Pitt and Lord Grenville, both in their ministerial and their legislative capacities; and the powerful, we may add, the affectionate exertions of Lord Loughborough, in more than one critical stage of the bill, during its passage through the House of Lords, will never be forgotten:—On every occasion Mr. Fox exerted, in its favor, the mightiness of his powers:—All parties, all orders, all descriptions of men seemed to wish us success, and when opportunities offered exerted themselves in our service.

Thus since the year 1778 a new order of things is opened to the Catholics of England; they have recovered the good opinion and confidence of their countrymen; in matters of religion, they are indulged in a conscientious dissent from the legal establishment, and may worship their God according to the mode which their faith ordains; in civil and political concerns, they form no separate combination, but may freely incorporate with their fellow subjects for the public good: no longer aliens in their native land, they may now behold the general prosperity without envy or depression of spirits: their property is secure, and no longer held on the precarious and humiliating tenure of sufferance or connivance: they have the sanction of law to transmit it to their offspring: they may impart to their children the blessings of education: they are no longer looked upon as a degraded faction, who harbour principles hostile to the laws and liberties of their country:—IN A WORD, THEY ARE ENGLISHMEN, SUBJECTS, AND CITIZENS, AND SUCH THEY ARE ACKNOWLEDGED BY THE KING, THE NATION, AND THE LAW.

III.

We now beg leave to trouble you with some observations on the nature of our contest with the Apostolical Vicars.

When the interests of a considerable body of men are concerned, it is next to impossible to obtain an unanimity of opinions concerning the plans and measures to be adopted. Contestations will of course arise.—But when such contestations are to be carried on with persons, whose character, station and office entitle them to peculiar respect, the task becomes more than usually painful.

This has happened to us. We felt it our duty to oppose, in some instances, the mandates of Apostolical Vicars; and, as our controversy with them has been public, our characters require the public should be informed, that we neither engaged in the contest upon unjustifiable grounds, nor supported it by unjustifiable measures.

If all resistance to ecclesiastical authority were in itself culpable, then the holy Robert of Lincoln, that bright ornament of the English church in catholic times, was deserving of the severest censures, when he vigorously resisted the encroachments of a Pope upon the rights and liberties of England.—A minute detail of particulars seems to be at present unnecessary.

In our former letter addressed to you, and in the letters we addressed, first to the four Apostolical Vicars, then to Mr. Douglas, and lastly to Mr. Douglas jointly with Mr. Walmsley and Mr. Gibson, we have given an account of our conduct; and, we persuade ourselves, have fully justified it in those instances in which it had been arraigned.

These publications we again recognize, and beg leave to refer you to them. If other publications have appeared during the late controversy, we assure you the Committee were concerned in none of them.

We never engaged any auxiliary pen to defend our cause;—we recognize those papers only relating to the present bill which we have inserted in the appendix, and those we have before sent you subscribed by our names.

One thing in particular we wish should be clearly understood:—we have invariably professed, that we never conceived an idea of departing, in any one single instance, from the belief, or the acknowledged rules, of the Catholic Church; and consequently we have uniformly disclaimed the most distant intention of encroaching upon any one privilege belonging to the episcopal dignity.

In matters of fact we were convinced that the Apostolical Vicars were mistaken.

We knew that they had misconceived the nature of the business, which we were conducting, and had mistated our proceedings in it.

We conceived besides, that they had extended their authority to objects, which came not within their competency. An implicit deference to orders, which equally at first sight, and upon reflection, struck us as unwarrantable, would, in our judgment, have greatly prejudiced the most essential interests of the body of English Catholics, and have justly subjected ourselves to an accusation of relinquishing the duties of a public trust.

Did we insist, that the protestation contained nothing which English Catholics might not with safety declare?

Let it be remembered, that six bishops and nearly two hundred and forty clergymen, as well as almost every respectable layman, in this kingdom, had already signed that instrument, and returned it to us as a public pledge of their social and political sentiments.—Could we believe, that an instrument signed by the whole body of English Catholics, was inconsistent with Catholic principles?

In the name of the body, we had solemnly presented that instrument to the legislature, and had earnestly called the public attention to its contents. We could not, therefore, revoke it, in any circumstances, without disgrace; and unless expressly directed by the subscribers and our constituents, we could not revoke it without betraying our trust. But the body never instructed us to revoke their instrument; and indeed we have never heard, that the apostolical vicars enjoined their clergy or their flocks to cancel their signatures.

If the protestation be uncatholic, why was not the body summoned to renounce it, and abjure their pernicious errors?

But

But if it be soundly catholic, what blame can the appointed representatives of the body have incurred, by maintaining a declaration, which the whole body itself had concurred in authenticating? It is true, the members of the Committee had signed the protestation, but they signed it only as individuals in their respective districts, and it was not in their own names only, but in the name of the whole body, that the SOLEMN INSTRUMENT had been pledged to their countrymen.

If therefore the Apostolical Vicars have had any contestation upon this subject, it has certainly been less with the Catholic Committee, than with the body of English Catholics.

To speak the truth without disguise, it has been a contest with themselves; for they themselves, (if you except Mr. William Gibson, who in the year 1789 was not a resident in this kingdom,) had all signed the protestation.

Did we refuse to submit to a requisition made by Mr. Douglas and Mr. Gibson, not to proceed in the business of a Bill before Parliament, without their approbation? It was, because we could not but deem that requisition an undue exertion of authority. It encroached upon our rights as Englishmen.

For we acknowledge no power, that can restrain the subjects of these realms from applying to the legislature in a constitutional manner.

Consider, we intreat you, my Lords and Gentlemen, what must have been the effects of our compliance. Your Bill was lost. Every penal and disabling statute, which the wisdom and humanity of Parliament have lately repealed, would still have continued in full force against you. Your disgrace too would have been complete.

For after attracting, for some years, the fixed notice of your fellow-subjects, and of the legislature; after making a solemn declaration of your principles as men and citizens; after introducing a Petition and a Bill into Parliament, you must suddenly have shrunk back into former oppression and aggregated odium. As no reasons could be alledged for stopping all proceedings relative to your Bill, except an ecclesiastical order of two Apostolical Vicars, the public must necessarily have considered you as equivocators, who dared not support their most solemn declarations, and who, in the most important concerns,

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would at any time be disposed to resign implicitly their best and most essential civil rights, to the unmotivated suggestion of Apostolical Vicars.

Of all the prejudices which had so long prevailed against English Catholics, and which had rendered them, in the opinion of many friends to civil and religious freedom, unfit to participate in the blessings of our happy constitution, none was more deeply imprinted, than the suspicions that English Catholics were so slavishly dependant on their ecclesiastical superiors, as to have, even in civil concerns, no judgment, no rule of action, which was not, at least indirectly, subject to their absolute controul. This prejudice, you, by your protestation, had removed; but candor must own, that the abrupt requisition of two Apostolical Vicars to desist from proceeding in the business of a Bill before Parliament, seemed too fatally calculated to revive the ancient suspicions of the inglorious servitude. In complying therefore with that requisition, we could see nothing but peril and disgrace to the body of English Catholics.

Accordingly we declined to submit. But in notifying our motives of refusal, we did not neglect to acknowledge our sincere reverence for episcopal authority, when equitably exerted within its own sphere. Civil concerns are evidently beyond its boundaries.

The Pope, (and of course his Vicars,) neither has nor ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm.— This we had sworn, and jealous of our integrity, we felt it a duty to resist, as representatives of the catholic body, an encroachment on our constitutional rights of exerting ourselves in the business of a Bill, then before the legislature of the land, for redress.

If we were convinced that our inherent right, as Britons, of applying to Parliament for a release from penalties and disabilities, and exerting ourselves in the business of a Bill, producing such a release, cannot be controuled by Apostolical Vicars, we were equally convinced that their authority could not restrain us from taking the oath, taken by ALL OUR FELLOW-SUBJECTS, of allegiance to the sovereign of these realms.

This was the only oath annexed by government to our protestation. When we compared it with the oath of James the First, justified by so many of the most virtuous and most enlightened of our ancestors; when we compared it with the oath taken by all the Catholics in 1778, and when we recollected the words of the address, presented that year by the Catholics to the crown, we could discern no reasons to hinder us from recovering
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some share of the rights of Englishmen, by giving the same pledge of fidelity, as is given by all our fellow-subjects, although the words "being Protestants" were contained in the oath.

Of all the difficulties maintained by the three Apostolical Vicars this was the last they could prevail upon themselves to resign *, though the right of fixing the succession to the Imperial Crown of Great Britain cannot, most assuredly, be an object of their ecclesiastical competency.

To the completion of our late fortunate business, they constantly represented this difficulty as insuperable.

This they carried so far, that, when the Bill was in the House of Lords, the Bishop of St. Davids moved, that the Irish Oath should be substituted in lieu of that adopted in the House of Commons. But Earl Guildford proposed, that an express recognition of the Act of Succession to the Crown in the heirs of the body of the Princess Sophia, being Protestants, (using the terms of the Act of Settlement,) should be inserted. To this the Bishop of St. Davids, in conformity with the wishes of the three Apostolic Vicars, objected.

Earl Guildford however moved, that the words in question should stand part of the Oath, and his motion was carried.

Here then was an anxious moment for your Committee,—a critical moment for the English Catholics. On one hand it was uncertain whether the Minister in the House of Commons would not oppose the admission of the Irish Oath, to the substitution of which he had more than once positively objected: on the other, although the Irish Oath should be admitted in the House of Commons, it was uncertain whether the Apostolical Vicars would ever abandon their insuperable difficulty.—In one case there were apprehensions of your Bill being lost; in the other there were apprehensions of a lasting dissention between the Apostolical Vicars and the body of English Catholics.

The Bill passed and was sanctioned; but the perplexing uncertainty about the insuperable difficulty of the Apostolical Vicars still continued.

* See Mr. Walmsley's Letter in the Appendix, No. VII.

Even at the General Meeting held on the 9th of June last, when Bishop Douglas condescended to say, that he had no objection to the form of the Oath now prescribed by Parliament, there was no person in the assembly who could take upon him to make a similar declaration of the sentiments of Bishop Walmesley and Bishop Gibson. We are rejoiced to learn, that they have since overcome their scruples.

Now in what instance of the late controversy does it appear that your Committee have invaded any just right, or declined to obey any just command of the Apostolical Vicars? Not in their abiding by the protestation, for this was the authenticated pledge of the whole body, both clergy and laity: not in their refusing to obey a requisition to stop their proceedings in the business of a Bill pending before Parliament; for to proceed in the business of a bill pending in Parliament is a civil right: not in their alacrity to swear allegiance to the sovereign; for allegiance is a duty of which we are all bounden to make profession: not in renouncing with detestation the deposing power, which ignorance and fanaticism had once attempted to fix in the papal chair; for that wicked and impious opinion the whole body of the English Catholics, with the laudable concurrence of the Apostolical Vicars, had, in 1778, renounced, rejected, and abjured upon oath: not, lastly, in swearing to the succession of the crown in his Majesty's Family, being Protestants; for the whole body of English Catholics, in 1778, had already engaged themselves upon oath to defend, to the utmost of their power, the succession of the crown in his Majesty's Family, against any person or persons whatsoever; and by the Act of Settlement that succession is limited to his Majesty and the other descendants of Princess Sophia, being Protestants.

My Lords and Gentlemen, consistency has uniformly been our aim; consistency in principles, consistency in action. The Address to the Crown in 1778, the Oath prescribed that year by Parliament, the Protestation, the Oath prescribed by Parliament in 1791, these are all solemn engagements taken by the body of English Catholics, and they are all consistent with each other. While we had the honor of transacting public business in your trust, we could not in any point deviate from your own solemn engagements *, and when we conceived that the Apostolical Vicars were prescribing a line of conduct, which must have compelled the catholic body to appear inconsistent and perfidious, regard for your characters, no less than for our own, imperviously told us, that implicit obedience would be criminal treachery. Depart from your Protestation! desist from the business of the Bill! This was the language of the Apostolical Vicars. What sentiments

* See our assertion of your delegation to us in the Appendix, No. VIII.

could

could such commands impress on the bosoms of men of honor? Overwhelm yourselves with infamy, and cease to be Britons.

Such would have been the consequences of our submitting to the requisition of the Bishops in not proceeding in the business of the Bill.

That they themselves did not discern that the submission they required from us would have produced these effects, we readily allow; that it would have produced them, we were convinced, and you, my Lords and Gentlemen, must be sensible.—Their commands, therefore, it would have been unwise, and even criminal in us to obey.—We therefore resisted their ordinances.—In our letter to the Vicars Apostolic of the 25th of November, 1789, we explicitly avowed our rule of conduct. In that letter we tell them, that “In satisfying the minds of the prejudiced, in proving our uprightness to the legislature, in attempting by honest means to recover those temporal advantages from which nothing but misrepresentation had excluded us,—in doing this, we were persuaded, there could be no encroachment on the pastoral duty.”—In these sentiments, in this line of conduct, we began the execution of the trust you delegated to us; in these we invariably persisted in the discharge of it; in these we now finish.

Yet, my Lords and Gentlemen, it is on account of a steady adherence to this line of conduct, it is for a conscientious perseverance in the discharge of the trust reposed in him by you, that one of the Vicars Apostolic has by a series of censures, equally in violation of the civil rights of British subjects, and, as we are informed*, in contempt of canonical discipline, driven from his situation one of the members of your Committee; and by a refusal to specify any charge against him, endeavoured to tinge his moral character, with that doubtful stain, which undefined charges must always in some degree leave on the purest reputation. With the ecclesiastical part of this business we have no concern; but we must call your most serious thoughts to the state of your inferior clergy, whose bread, and, what is of more consequence, whose fair fame, according to our present ecclesiastical Government, may be thus taken from them without any means either of defence or redress.

* See the Address to the Catholic Clergy, No. ~~VII~~^X in the Appendix.

V.

You have probably heard of some DEAMATORY PAMPHLETS, in which your Committee has been treated with little regard, and you approve, no doubt, of our inattention to their contents.

One alone we think it may now be necessary to notice. The ravings of enthusiasm we can easily overlook, and the calumnies of unauthorized individuals we know how to despise: but the writer of this libel assumes an authority, which claims attention and respect. He tells the public, that "he writes at the request of three Apostolical Vicars, " and conceives himself to be speaking their language." He certainly does not speak the language of lenity, of conciliation, or of truth.

His misrepresentations are neither few, nor unimportant.

He dashes the foam of his declamation on all those English Catholics, who have approved or co-operated in the measures of your Committee, and your very votes of thanks he cavalierly treats as futile compliments for lost reputation.

His resentments against the majority of English Catholics are immoderate, but his charges against us are of the most atrocious kind. He describes us as "contrivers of mischief:" we began, "he says, by deceit: we would first have deceived the body of English Catholics, then insulted them for being overreached, and to rivet them down in error, would have displayed all the terrors of outrageous persecution." Our letter to the Vicars Apostolic, he calls "a master-piece of dissimulation, duplicity, and FALSEHOOD." There is hardly a page in this work, (and it is an octavo of 165 pages,) which does not contain some reflection upon us. Gross ignorance is the slightest of his imputations. He accuses us of many things, which impeach our honor and our veracity; and which, if true, would make us unworthy of living in your society, or in any society professing the common rules of morals, or the common decencies of manners. Our catholicity he denies;—does not allow us common honesty; and to complete our defamation, seriously insinuates we are tainted with JANSENISM.

Such is this work, my Lords and Gentlemen;—a work inflated by passionate vehemence and acrimonious zeal, but a work declared to be written at the request of three Apostolic

Apostolic Vicars: and such is their language in our regard, if we may credit the author's own declaration.

After the Bill for our relief had passed, it was the earnest wish of all lovers of peace, that a contestation, to which different ways of thinking in persons contending for the same object had given rise, might quietly subside.——For our parts we had not the slightest wish of continuing a controversy, now become useless to the public cause. Expressions of civility and mutual congratulation had passed between us and the Apostolical Vicar of the Southern District. Even the Apostolical Vicar of the Western District had exhorted us to *let all discord subside, and to unite in the sweet comforts of peace and concord*. The sweet comforts of peace and concord seemed actually restored, when, on a sudden, out bursts this violent attack upon our honor, our probity, our religion, and upon the principles and characters of all our friends! And from whom this attack? From a volunteer gladiator? It might be, but he pleaded a commission from regular chiefs.

To a passionate adventurer we could not stoop to reply; but to rectify the misconceptions of Apostolical Vicars we thought both respectful and necessary. To ascertain, therefore, whether the Rev. Charles Plowden had been commissioned by the Right Rev. Apostolical Vicars, and to what extent he spoke their language, we addressed the following letter to each of our four Prelates. If we wrote to Mr. Talbot, it was not because we thought him capable of authorizing such a writer to abuse his name, but only because that writer had not specified the three Apostolical Vicars, whose commission he pretended to have received.

The following are copies of our letter and their answers.

“ My LORD,

“ A pamphlet has been published by the Reverend Charles Plowden, entitled, “ An
 “ Answer to the Second Blue Book, containing a refutation of the principal charges and
 “ arguments advanced by the Catholic Committee against their Bishops, addressed to
 “ the Roman Catholics of England,” which pamphlet contains many reflections on the
 “ conduct of the Committee in the late business, and many imputations on their moral
 “ character highly injurious to their reputations, as well as a very erroneous statement of
 “ several material facts.

“ It

“ It has been the constant resolution of the Committee, not to notice the productions
 “ of any individual, however gross the abuse of their conduct may be, and however distant
 “ from truth the statement of facts contained in it.—But Mr. Charles Plowden’s book
 “ bears on its first page an information, which forbids us to look on it in the light of a pri-
 “ vate work. The public is told, that the answer was prepared at the request of three of the
 “ Apostolical Vicars; and though by a very singular mode of conduct this avowed agent
 “ declares, that he has acted in this important business (for, my Lords, as christians, and as
 “ gentlemen, we must consider an attack on the moral character of a very large proportion
 “ of the catholic clergy and laity of this country as no trifling matter) without having sub-
 “ mitted his manuscript to the censure and correction of his employers, yet he expressly
 “ declares, that he writes at the request of the bishops, and conceives himself to be speaking
 “ their language.

“ Thus, my Lord, has the book in question been introduced to the world with the stamp
 “ and sanction of your Lordship’s authority:—and we conceive, that we should be wanting
 “ both to ourselves, and to the part of our clergy reflected on in it, if we did not endeavour
 “ to know, how far Mr. Plowden speaks your Lordship’s sentiments.—

“ MY LORD,

“ We apply in the most solemn manner to you.—We are charged with crimes of a
 “ very serious nature; you owe it to us as christians, either to undeceive the public with
 “ regard to the opinion they must conceive your Lordship forms of us, and leave to Mr.
 “ Plowden the shame of having thus abused your Lordship’s respectable authority, or can-
 “ didly to say, that such are your sentiments in our regard. We shall then endeavour to
 “ vindicate ourselves from the accusations brought by your Lordship against our moral, as
 “ well as civil, character.

“ We are, MY LORD,

“ Your most obedient humble Servants,

“ Petre.

“ John Throckmorton.

“ Henry C. Englefield.

“ Thomas Hornyold.

Lincoln’s Inn, 23d Feb. 1792.

Longbirch,

Longbirch, Feb. 6. 1792.

" DEAR SIR,

" My most sincere and hearty wish and desire has constantly been to promote and pre-
 " serve concord and harmony, peace and charity among ourselves; and I think I can truly
 " say with the Apostle, 1 Cor, xi. 16. *If any man seem to be contentious, we have no such custom,*
 " *nor the church of God.* You may therefore assure the very respectable Gentlemen of the
 " Committee, that I never employed, commissioned, or desired Mr. Plowden, or any one
 " else, to utter or express any thing derogatory to them, or any of their connections, either
 " individually or collectively. Could any conciliating measure be devised, an end be put
 " to all feuds, contentions, and animosities, and every thing contrary to peace, charity, and
 " brotherly love, be buried in entire oblivion, I should very much rejoice, and would most
 " willingly concur in any scheme that could effectuate this most desirable end, and that
 " could make us, with one mind, and with one mouth, glorify God and the Father of our
 " Lord Jesus Christ.---

" Why should the small body of Catholics now in England, who, by your endeavours,
 " and the liberality and indulgence of an enlightned and beneficent legislature, have ob-
 " tained a more free exercise of their religion, why should they become more disunited than
 " ever, and more addicted to quarrels and disputes? As a minister of the gospel of peace, I
 " have a right to put these questions, and to use my utmost endeavors to bring about peace
 " and reconciliation with all discordant members of our holy faith and communion. I firmly
 " believe that all, that are at variance, most sincerely wish to be united again in the bands
 " of friendship, cordiality, and brotherly love. Shall then some punctilioes, or some over-
 " weaning attachment to an over hasty resolution or step, obstruct a measure which would
 " be attended with the most happy consequences? Though this letter is not much to the
 " purport of your letter, and I much fear not to any purpose at all, yet being so full of what
 " I so much wish, I could not refrain from committing my hasty thoughts to writing.

" With respectful compliments to all the Members of the Committee, I am their and

" Your most obedient humble Servant,

" THOMAS TALBOT.

" CHARLES BUTLER, Esq.,

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My

" MY LORD, AND GENTLEMEN,

" In answer to your favor of the 2d instant we beg leave to say:

" That we do not conceive ourselves under any obligation to give any declaration
" whatever concerning Mr. Charles Plowden's pamphlet.

" CHARLES WALMESLEY. V. A.

" WILLIAM GIBSON. V. A.

" JOHN DOUGLAS. V. A.

" The Right Hon. LORD PETRE.

" Sir H. C. ENGLEFIELD.

" Sir JOHN THROCKMORTON.

" THOMAS HORNOLD.

London, Feb. 16, 1792.

Here then the matter rests. To Mr. Talbot we feel ourselves greatly obliged for his candid, friendly, and truly pastoral answer. The refusal of the other Apostolical Vicars, either to avow or to deny the charges made, in their name, against us, we, for their sakes, sincerely lament. If they really commissioned the author in question publicly to accuse and revile us in the manner he has done; if it be true, that in this he has acted by their desire and spoken their language, do not the laws of the gospel call upon them as christians to avow it? The rules of honor, the common principles of equity, the acknowledged duties and rights of society, the usual practice in the intercourse of civil life, do all most certainly call upon them for this avowal.

If on the contrary the writer had not their authority for his accusations and revilings; if he has imputed to them a language which they do not speak; it is a justice which they owe our characters, so grossly traduced in their names, and under the sanction of their authority, to declare publicly to the world, that it was not done at their request, and that this is not the language in which they speak of us.—But here we pause.

Let the three Apostolical Vicars and the Rev. Charles Plowden balance their own account, and settle amongst themselves, whether *he* has pretended a commission which they
never

never gave him, or *they* have given him a commission which they are ashamed to avow. We (after the following short observations on three charges in the libel) shall dismiss from us the inglorious controversy, and dismiss it for ever.

V.

The FIRST CHARGE is selected from page 127 of the libel. We select it, because it contains the most atrocious of all the Rev. Charles Plowden's charges against us.—Besides (as the reverend gentleman has evidently exerted in it all his pious sensibilities, all his eloquence and all his reasoning powers) it is a fair specimen of the unctious with which the work is written, the christian charity with which the libeller, and those, whose language he speaks, have judged of our conduct, their profound knowledge of the subject, and the fairness and precision with which they reason upon it.

Speaking of the clause in the bill, as it was brought into the House of Commons, by which Justices of the Peace were authorized to tender the oath to persons frequenting places of religious worship licenced by that act, he says: “ The Committee, in the excess of their
“ extravagance, had even the hardiness to hope, that the present Bench of Bishops would
“ concur, by their votes, to drag catholic prelates, priests and laymen from the foot of their
“ altars to the receptacles of murderers and robbers. The detestable penal clause far exceeds the bitterness of laical malevolence, it could only be conceived or ripened in the
“ breast of corrupted priests. Indeed we do not impute the invention of it to the lay
“ gentlemen of the Committee; their guilt in admitting and defending it is sufficiently
“ enormous, but still it leaves room for compassion. We can pity sinners, but we have not
“ language strong enough for the dæmon that seduces them. O let them sink into darkness; let them hide their heads confounded and abashed.” Speaking again of the clause, in page 129, he calls it “ a diabolical clause, which our misguided Committee have endeavoured to enact against us.” Those are the charges. What is the truth?—

The truth is as follows;—The act of the first of King William and Queen Mary, commonly called the Act of Toleration, contains, among other clauses, a clause from which that in question is copied. Our act, as you will find by the perusal of it, does not contain the clause in question, or any clause of the like effect. It was shewn to a person of the highest situation in the country. He took notice of this circumstance, and required the insertion of the clause. The gentleman, through whom we had this communication, signified this requisition

sition to us, and sent us the clause, written out in his own hand, for the insertion of it in our Bill, and in his own hand-writing it is now in our custody.

The following are the clauses, as they stand in the Act of Toleration, and in our Bill.

Copy of the 12th Clause in the 1st of William and Mary, c. 18.—Ruffhead's Statutes, 3. v. p. 426.—

“ And be it further enacted, by the au-
 “ thority aforesaid, that every Justice of
 “ the Peace may at any time hereafter re-
 “ require any person that goes to any meet-
 “ ing for exercise of religion, to make and
 “ subscribe the declaration aforesaid *, also
 “ to take the said oaths †, or declaration of
 “ fidelity hereinafter mentioned ‡, in case
 “ such person scruples the taking of an
 “ oath, and upon refusal thereof such Jus-
 “ tice of the Peace is hereby required to
 “ commit such person to prison without
 “ bail or mainprize, and to certify the name
 “ of such person to the next General or
 “ Quarter Sessions of the Peace, to be held
 “ for that county, city, town, part or divi-
 “ sion where such person then resides; and
 “ if such person so committed, shall, upon a
 “ second tender at the General or Quarter
 “ Sessions, refuse to make and subscribe the
 “ declaration aforesaid, such person refus-

Copy of the Clause above referred to in the Catholic Bill.

“ And be it farther enacted that every
 “ Justice of the Peace, may, at any time
 “ hereafter, require any person that goes
 “ to any place of congregation or meeting
 “ for exercise of religion, certified and re-
 “ gistered under this act, to take and sub-
 “ scribe the oath of allegiance and abjura-
 “ ration, and of protestation and declara-
 “ ration herein before prescribed, and upon
 “ refusal thereof such Justice of the Peace
 “ is hereby required to commit such per-
 “ son to prison without bail or mainprize,
 “ and to certify the name of such person
 “ to the next General or Quarter Sessions
 “ of the Peace, to be held for that county,
 “ city, town, part or division where such
 “ person shall then reside, and if such per-
 “ son so committed, shall, upon a second
 “ tender at the General or Quarter Ses-
 “ sion, refuse to take and subscribe such
 “ oath of allegiance and abjuration and of

* The declaration here referred to is the oath prescribed by the 30th Car. ii. st. ii. c. 1. commonly called the declaration against popery.

† The oaths referred to here are the oaths prescribed by the first of William and Mary, c. 1.

‡ The declaration of fidelity here referred to is contained in the same statute.

“ ing shall be then and there recorded, and
 “ he shall be taken thenceforth to all in-
 “ tents and purposes for a Popish Recu-
 “ sant Convict, and suffer accordingly, and
 “ incur all the penalties and forfeitures of
 “ all the aforesaid laws.”

“ protestation and declaration as aforesaid,
 “ such person refusing shall be taken and
 “ there recorded, and he shall be taken
 “ thenceforth to all intents and purposes
 “ for a Popish Recusant, and suffer accord-
 “ ingly, and incur all penalties and forfeit-
 “ ures as if this Act had not been made.”

Besides, this Act did not authorize Justices to tender the oath to any priest or any layman, but such as should go to some *place of congregation or meeting for exercise of religion, certified and registered under that Act*. Those, therefore, who objected to the oath, (and who consistently with their own principles must have refrained from resorting to the places in question,) would not be liable by the clause in question to have the oath tendered to them; not one of these would have come under the operation of the act.

It was even suggested to the Committee, that this clause, so far from being penal, might actually be serviceable to the Catholics. No person is authorised by the Act to take the oath, except at the place appointed by the Act, viz. the Courts at Westminster, or the Courts of Quarter Sessions. From any place of this description many Catholics live at a considerable distance. Now it was conceived, that, by a liberal construction of this clause, Catholics might be intitled to the benefit of this Act, if they took the oath when required by Justices under this clause.

Thus, my Lords and Gentlemen, you see the clause in question was neither conceived nor ripened by us; that it was copied, verbatim, from an act of the last century; that it was not inserted in *our* Bill; but that it was forced into a Bill for our relief, which did not originate with us; and that none but those who took the oath in question would have been subject to its operation, and to those Catholics it might have been essentially serviceable.—We shall dwell no longer on the horrid accusation.—The charge and defence are before you.—If at this moment, the feelings of the Reverend Charles Plowden, and of those whose language he speaks, are not of the most painful kind, they are to be pitied indeed.

We proceed to the next charge. Your protestation, the libeller bewails, *as the cause of all our woes*, and boldly declares, that *we obtruded principles upon you: exerted ourselves to obtain signatures, and prevent examination: employed emissaries to hush your scruples, and pal-*
 G liate

liate defects; and that hundreds among you wished in vain to retract your signatures. Obtrusion, the arts of cunning, the employment of emissaries, we know nothing of. Who among you, my Lords and Gentlemen, will stand forward, and charge us with having bubbled you by insidious artifices?

The first public, and most important, sanction given to the instrument of protestation, was the signature of the Apostolical Vicar of the Southern District, accompanied by the signatures of his clergy, whom he convened for the very purpose of signing that instrument. This was the first instance, since the Reformation, of a Catholic Prelate synodically convoking his clergy in this kingdom. The occasion was worthy of the synod, for it was to give the death-blow to ancient prejudices, and, by removing the suspicions of our protestant fellow-subjects, lay the basis of civil and religious freedom for the Catholics of England. As to the desire of hundreds to retract their signatures,—you, my Lords and Gentlemen, are the best judges of your own sentiments, and of the sentiments of your respective friends; you consequently best know, how much of truth, or how much of calumny, there is contained in that assertion. For ourselves we can only assure you, that no such desire was ever communicated to us, and we never received directions to erase any signatures, except those of Mr. Charles Walmesley, Mr. Robert Banister, and Mr. Weld of Lullworth*. On the contrary, at a meeting in Castle-Street, on February 2, 1790, *eleven* clergymen declared, in the presence of two Apostolical Vicars, and their coadjutors, that to recede from the protestation would be to overwhelm the English Catholics with accumulated odium. At the meeting on the 3d February, 1790, the same language was spoken. At the general meeting in May we were again instructed to proceed upon the protestation. At no meeting whatever has a hint been thrown out of a desire to recede from that instrument. The present Apostolical Vicar of the Southern District, never required the name of JOHN DOUGLAS to be withdrawn, and although at the last general meeting there were several, who did not wish the instrument to be deposited at the British Museum, not one person present expressed a desire of cancelling his signature. Where then are the hundreds of the Reverend Charles Plowden? or are he, and a few (perhaps) of his intimates, the *Turba Mundi*?

In page 117, he says, “Let him count the names of catholic bishops, from Rome to France, to Flanders, to Ireland, through all its churches to Scotland, to England, and

* Mr Weld, in a letter to the Secretary, expressly desired it might be mentioned to the Officer at the Museum, that he wished his name to be withdrawn, *as it was against his will, and without his consent, that it was brought to the Museum.*

“ he will find their verdict unanimous, that the Committee's oath was unlawful. Let him
 “ add the answers of universities and theologians. Let him count the clergy throughout
 “ the realm, except the Committe-men and their few secret advisers, not one in an hundred
 “ would have accepted their original oath. Let him add the detestation in which it was
 “ held by the great majority of the laity.”——

My Lords and Gentlemen, we solemnly declare, that neither the whole, nor any part of this evidence, was ever laid before your Committee. It is now more than a twelvemonth since we had the honor of addressing our last letter to you, and no part of that evidence has yet appeared to illuminate our judgment. And on what part of the intended oath could such condemnation fall?——On our renouncing with detestation the position, That Princes excommunicated by the Pope may be deposed by their subjects? To the Reverend Charles Plowden this position may still seem innocent, and unworthy of any bitter word of condemnation; yet the very Apostolical Vicars, under whose commission he pretends to write, scrupled not to reject and detest it as *false, scandalous, seditious, and traitorous* *.——Does then the condemnation fall upon swearing to the settlement of the crown in the protestant line? But the Apostolical Vicars at length have sworn to it.——Does it then ultimately fall upon the instrument of protestation? My Lords and Gentlemen, this is your authentic act, your public pledge as men and citizens, and you will no doubt wait for better evidence, and a higher authority, than that of the Chaplain of Lullworth, before you feel yourselves inclined to make an *amende honorable*, and abjure as a body an instrument, which you signed and presented as a body to the Legislature and to your country.

In the mean while we beg leave to acquaint you, that in pursuance of the resolution of the last general meeting, the protestation has been deposited at the British Museum, to remain there, a constant and irrefragable evidence of the purity and integrity of the moral and political principles of English Catholics.

VI.

It remains for us to present you, my Lords and Gentlemen, our most sincere thanks for the obliging and kind support we have received from you, on every occasion, during our five years appointment, and our grateful acknowledgments of the many honorable testimonies of approbation, which our conduct has received from you.—These will never escape our memory or our gratitude.

* See the form of oath printed by three Apostolical Vicars.

As individuals, our services are at the command of all and every of you. As a Committee we shall meet no more. We, therefore, surrender our trust into your hands; happy in our consciousness of having, on every occasion, endeavoured to discharge it well, and in the approbation you have constantly and uniformly been pleased to bestow on our endeavours.

My LORDS and GENTLEMEN,

We have the honor to be, with the greatest respect,

Your most obedient humble Servants,

CHARLES BERINGTON.

JOS. WILKS.

STOURTON.

PETRE.

HENRY CHARLES ENGLEFIELD.

JOHN THROCKMORTON.

JOHN LAWSON.

WILLIAM FERMOR.

JOHN TOWNELEY.

THOMAS HORNYOLD.

Lincoln's Inn, April 21, 1792.

P. S. The Committee request, you will compare the first clause of the Bill as prepared by them, with the clause in the Bill as it now stands. The clause in their Bill directs that the oath, contained in the 18th year of his present Majesty, should no longer be taken, but that the oath, contained in that Act, should thenceforth be administered in its stead, and should give the same benefits and advantages, and should operate to the same effects and purposes, as the oath contained in the Act of the 18th year of his present Majesty.

In the Act, as it now stands, it is not said, that the oath therein contained shall intitle the persons taking the same to the benefits of the Act of the 18th year of his present Majesty. It is only said, that it shall be lawful for Catholics to take that oath, at the places and times, and in the manner therein mentioned.

Thus, it is very uncertain, whether persons, taking the oath of the last year only, will be entitled to the benefit of the act of the 18th of his present Majesty, so as to be relieved from the penalties and disabilities from which the persons, taking the oath therein prescribed, were relieved by that Act. By these penalties and disabilities the English Catholics were exposed to more real grievances, than they were by any other law inflicted against them. It seems, therefore, adviseable for every Catholic, particularly if he wishes to secure his landed property, to take both the oath prescribed by the Act of Parliament of last year, and the oath prescribed in the Statute of the 18th year of his present Majesty.

This alteration of the clause in question in our Bill was made upon the motion of the present Lord Chancellor, when the Bill for our Relief was in the House of Lords.

A P P E N D I X. (*a)

TO THE RIGHT HONORABLE

W I L L I A M P I T T,

FIRST LORD OF THE TREASURY, AND CHANCELLOR OF HIS
MAJESTY'S COURT OF EXCHEQUER,

T H E M E M O R I A L

O F H I S

MAJESTY'S ENGLISH SUBJECTS PROFESSING THE CATHOLIC RELIGION.

SHEWETH;

THAT by the laws now in force against persons professing the Catholic Religion, your Memorialists are deprived of many of the rights of English subjects, and the common rights of mankind.

They are prohibited, under the most severe penalties, exercising any act of religion according to their own mode of worship.

They are subject to heavy punishments for keeping schools, for educating their children in their own religious principles at home, and they are also subject to heavy punishments for sending their children for education abroad.

They are made incapable of serving in his Majesty's Armies and Navies.

They are restrained from practising the Law as Barristers, Advocates, Solicitors, Attornies or Proctors.

* a

They

They are obliged on every occasion to expose the most secret transaction of their families, by reason of the expensive and perplexing obligation of enrolling their deeds.

They are subjected, by annual acts of the Legislature to the ignominious fine of the double land-tax.

They are deprived of that constitutional right of English freeholders voting for County Members; they are not allowed to vote at the election of any other Member,—they are therefore absolutely unrepresented in Parliament.

They are excluded from all places civil and military.

They are disqualified from being chosen to a seat in the House of Commons.

Their Peers are deprived of their hereditary seat in Parliament.

And their Clergy, for exercising their functions, are exposed to the heaviest penalties and punishments, and in some cases to death.

That the laws, which subject them to these disabilities, penalties and punishments, were passed against them in times of intoleration, for crimes of which they are not guilty, and for principles which they do not profess.

That if any motives of policy ever existed, which, in any point of view, or by the opinions of any set of men, could justify the general necessity or expediency of these laws, they have long since entirely ceased; to continue them, therefore, must be unjust, as it with-holds from so many subjects the first rights and comforts of society; unwise, as it produces disunion among the people; and impolitic, as it deprives the state of the labours and services of so many of its loyal subjects.

That by the gracious and salutary Act passed in the 20th of his present Majesty, that one particular law, which most prevented their safely and quietly enjoying their landed property, was formally repealed, and an oath prescribed to them by which, in the most solemn, most explicit and most unequivocal terms they disclaim the belief, that there exists in any foreign Prince, Prelate, State or Potentate, either directly or indirectly, any civil jurisdiction, power, superiority or pre-eminence whatsoever within this realm; and by which, in terms equally solemn, equally explicit and equally unequivocal, they avow their absolute and unreserved allegiance and fidelity to his Majesty's person and government, the succession of the Crown in his family, and the British constitution.

That the English Catholics have universally taken this oath.

That

That their general conduct has been blameless and inoffensive.

That they hold no principle which can be construed to extend to the subversion, disturbance, or disquiet of the civil or ecclesiastical government of this country.

That they live in the completest harmony with their fellow-subjects, only separated from them by a difference of opinion in matters of religion, and only prevented from falling into the general mass of the community by the distinctions produced and kept alive by the laws still remaining in force against them.

That the British Government, and the Nation at large, have long been sensible of this, and therefore (with an humanity for which the English Catholics are truly grateful) have not permitted the laws against them to be executed in their utmost extent.—Hence, for a considerable time, none of the laws which affect their lives have been carried into execution, and there have not been many instances where those laws which affect their fortunes or their liberties have been enforced.—Prosecutions against them have received no aid from the legislature; no countenance from the courts of justice; no encouragement from the magistracy, and no favor from the people. Informers against them have been universally despised, the most virtuous and enlightened men of the age have been their advocates.—The nation is their friend, the letter of the law their only enemy.—To that it is owing, that they still languish under disabilities which cramp their industry, prevent their providing for their families, drive them from their own country for education, obtrude them on foreigners for subsistence, and make them as it were aliens among their fellow-subjects.

That the doctrine of general toleration universally prevails.

And that, no plea can be urged for tolerating in foreign countries, the Dissenters from the mode of worship established there, which may not, with as great propriety, be urged for tolerating in England those of the Catholic persuasion.

Upon these grounds your Memorialists hope for your concurrence and support, on their intended application for redress of their grievances.

The first part of the work is devoted to a general history of the Catholic Church in England, from the time of its introduction by Augustine to the present day. It is a very interesting and valuable work, and one which every student of the subject should read.

The second part of the work is devoted to a history of the Catholic Church in Scotland, from the time of its introduction by Augustine to the present day. It is a very interesting and valuable work, and one which every student of the subject should read.

The third part of the work is devoted to a history of the Catholic Church in Ireland, from the time of its introduction by Augustine to the present day. It is a very interesting and valuable work, and one which every student of the subject should read.

The fourth part of the work is devoted to a history of the Catholic Church in Wales, from the time of its introduction by Augustine to the present day. It is a very interesting and valuable work, and one which every student of the subject should read.

The fifth part of the work is devoted to a history of the Catholic Church in the Channel Islands, from the time of its introduction by Augustine to the present day. It is a very interesting and valuable work, and one which every student of the subject should read.

The sixth part of the work is devoted to a history of the Catholic Church in the Isle of Man, from the time of its introduction by Augustine to the present day. It is a very interesting and valuable work, and one which every student of the subject should read.

A P P E N D I X.

No. I.

ADDRESS of the CATHOLIC PEERS and COMMONERS
of GREAT BRITAIN, in 1778.

To the KING's MOST EXCELLENT MAJESTY.

The Humble ADDRESS of the ROMAN CATHOLIC PEERS and COMMONERS of
GREAT BRITAIN.

MOST GRACIOUS SOVEREIGN,

WE your Majesty's dutiful and loyal Subjects, the Roman Catholic Peers and Commoners of your Kingdom of Great Britain, most humbly hope, that it cannot be offensive to the Clemency of your Majesty's Nature, or to the Maxims of your just and wise Government, that any Part of your Subjects should approach your Royal Presence, to assure your Majesty of the respectful Affection which they bear to your Person, and their true Attachment to the Civil Constitution of their Country, which having been perpetuated through all Changes of religious Opinions and Establishments, has been at length perfected by that Revolution which has placed your Majesty's illustrious House on the Throne of these Kingdoms, and inseparably united your Title to the Crown with the Laws and Liberties of your People.

Our Exclusion from many of the Benefits of that Constitution has not diminished our Reverence to it. We behold with Satisfaction the Felicity of our Fellow Subjects: And we partake of the general Prosperity which results from an Institution so full of Wisdom. We have patiently submitted to such Restrictions and Discouragements as the Legislature thought expedient. We have thankfully received such Relaxations of

the Rigour of the Laws, as the Mildness of an enlightened Age, and the Benignity of your Majesty's Government, have gradually produced; And we submissively wait, without presuming to suggest either Time or Measure, for such other Indulgence, as those happy Causes cannot fail, in their own Season to effect.

We beg Leave to assure your Majesty, that our Dissent from the legal Establishment, in Matters of Religion, is purely conscientious; that we hold no Opinions adverse to your Majesty's Government, or repugnant to the Duties of good Citizens. And we trust, that this has been shewn more decisively by our irreproachable Conduct for many Years past, under Circumstances of public Discountenance and Displeasure, than it can be manifested by any Declaration whatever.

In a Time of Public Danger, when your Majesty's Subjects can have but One Interest, and ought to have but One Wish, and One Sentiment, we humbly hope it will not be deemed improper to assure your Majesty of our unreserved Affection to your Government, of our unalterable Attachment to the Cause and Welfare of this our common Country, and our utter Detestation of the Designs and Views of any Foreign Power, against the Dignity of your Majesty's Crown, the Safety and Tranquillity of your Majesty's Subjects.

The Delicacy of our Situation is such, that we do not presume to point out the particular Means by which we may be allowed to testify our Zeal to your Majesty, and our Wishes to serve our Country; but we entreat Leave faithfully to assure your Majesty, that we shall be perfectly ready, on every Occasion, to give such Proofs of our Fidelity, and the Purity of our Intentions, as your Majesty's Wisdom, and the Sense of the Nation, shall at any Time deem expedient.

NORFOLK, C. M.

SURREY

SHREWSBURY

LINTON, *for the Scotch*

STOURTON

PETRE

ARUNDELL

DORMER

TEYNHAM

CLIFFORD

Charles Stourton

Hugh Clifford

Thomas Fletewood

Henry Englefield

Henry Tichborne

W. Jerningham

Francis Mannock

Walter Vavafour

Robert Throckmorton

Walter Blount

Henry Hunloke

Richard Aston

John Webb

Thomas Gage

Edward Swinburne

Richard Bedingfield

Edward Smythe

William Stanley

Henry Lawson

Thomas Stapleton

Robert Berkeley

William Sheldon, *jun.*

Thomas Hornyold

Francis Talbot

Philip Roper

John Barnwall Curson

W. H. Maxwell Constable

Henry Darell

Thomas Hawkins

Henry Charles Englefield

Thomas Hornyold, *jun.*

Thomas Berington

William Jones

Thomas Weld

John Biddulph

Anthony Wright, *jun.*

John Towneley

Robert Dolman, *jun.*

Robert Dolman

Robert Strickland

Thomas Witham

Francis Witham

Charles Stonor

John Giffard

John Vincent Gandolfi

Peter Joseph Gandolfi

Francis Hutton

Anthony Wright

Thomas Langdale

William Witham, *jun.*

Ferdinand Huddleston

Henry Bostock

James Hunloke

Robert

Robert Hunloke
 Windsor Hunloke
 Thomas Huddleston
 Richard Huddleston
 Thomas Taunton
 Samuel Taunton
 Philip Jones
 Joseph Webb
 Ignatius Geoghegan
 Charles Biddulph
 Charles Talbot
 Francis Eyre
 Edmond Plowden
 Francis Plowden
 Francis Sheldon
 Robert Kilbye Cox
 Francis Wright
 Charles Dormer, *jun.*
 F. Fortescue Turvile
 Edward Sheldon
 Miles Stapleton
 George Cary
 T. Strickland
 Henry Maire
 J. Strickland, *jun.*
 Thomas Swinburne
 Edward Bedingfeld
 Henry Crathorne
 T. Dillon
 William Charlton
 Henry Fermor
 Edward Cary
 William Colegrave
 Philip Langdale
 George Heneage
 Robert Cansfield Gerard
 John Frankland
 Edward Jerningham
 Francis Prujean
 William Prujean

Vin. Eyre
 Michael Blount
 James Butler
 Thomas Fitzherbert
 John Berkeley
 Robert Stanford
 William Acton
 James Stanford
 William Sheldon
 R. Sheldon
 William Fenwick
 John Fenwick
 Henry Witham
 Henry Wakeman
 Francis Cholmley
 Francis Cholmley
 John Chichester
 Thomas Clifton
 Sim. Scroope
 John Trafford
 William Witham
 Andrew Mathew
 John Wright
 Charles Dormer
 John Lawson
 Francis Trapps
 R. Clavering
 George Ann
 William Kirsopp
 James Nelson
 John Stanley Maffey
 James Fermor
 Henry Howard
 Richard Lacon
 George Silvertop
 John Silvertop
 John Lawson
 Robert Dalton
 Joseph Scarisbick
 Jeremy Norris

George Tasburgh
 Thomas Tunstall
 Robert Macclesfield
 P. Holford
 Thoma Havers
 Thomas Shuttleworth
 David Nagle
 Joseph Nagle
 John Stonor
 Henry Blundell
 John Berington
 George Towneley
 Edward Ferrers
 William Fermor
 Robert Throckmorton, *jun.*
 Thomas Riddell
 Henry Errington
 William Constable
 Marm. Tunstall
 Peter Parry
 William Saltmarsh
 J. Gibson
 Thomas Waterton
 Nathaniel Pigott
 J. Powell Lorymer
 Thomas Selbye
 Thomas Selbye, *jun.*
 R. Riddell
 George Maxwell, *for the*
Scotch
 John Chadwick
 Thomas Mannock
 John Lacy
 William Lacy
 John Webbe
 Thomas Webbe
 Thomas Taylor
 P. S. Mostyn
 Edward Salgard
 Charles Towneley

John Prujean
Samuel Cox
Joseph Blount
Francis Canning
Thomas Rowe
Thomas Southcote
William Clavering
Edward Clavering, *jun.*

William Dicconson
Francis Manby
John Porter
John Newton
John Vaughan
Ambrose Eyles
Francis Whitgrave
Edward Willoughby

Thomas Gibson
John Needham
John Fisher
Thomas Bassett
William Meader
John Messenger
Charles Butler
Thomas Eyre

No. II.

No. II.

D R A F T O F

A BILL for the RELIEF of the ENGLISH CATHOLICS,

D R A W N B Y M R. B U T L E R,

Settled by Mr. Hargrave.

WHERAS by an Act passed in the 18th Year of his present Majesty, intituled, "An Act for relieving his Majesty's Subjects professing the Popish Religion from certain Penalties and Disabilities imposed on them by an Act made in the 11th and 12th Years of the Reign of King William the Third, intituled, "An Act for the further preventing the Growth of Popery," certain Provisions in the said Act of the 11th and 12th Years of the Reign of King William the Third imposing Penalties and Disabilities on Persons professing the Popish Religion were repealed: And whereas it is deemed expedient to give further Relief to his Majesty's Subjects professing the Popish Religion: And whereas the Person who in the Oath appointed to be taken in and by the said Act of the 18th Year of the Reign of his present Majesty is mentioned as being said to have taken upon himself the Style and Title of Prince of Wales in the life time of his Father, and since his Father's Death, to have assumed the Style and Title of King of Great Britain by the Name of Charles the Third hath departed this Lifesince the passing the said Act, and in that Respect therefore the Oath prescribed by the said Act requires some Alteration in the Language. May it therefore please your most Excellent Majesty that it may be enacted, **AND BE IT ENACTED** by the King's most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the Authority of the same,

That from and after the Day of 178 the Oath mentioned in and appointed to be taken by the said Act of the 18th Year of the Reign of his present Majesty shall no longer be administered, but there shall be administered, taken and subscribed in the Place and Stead thereof, an Oath in the Words following: (that is to say)

I A. B. do sincerely promise and swear, That I will be faithful and bear true Allegiance to his Majesty King George the Third, and him will defend to the utmost of my Power against all Conspiracies and Attempts whatsoever that shall be made against his Person, Crown or Dignity, and I will do my utmost Endeavour to disclose and make known to his Majesty, his Heirs and Successors, all Treasons and traitorous Conspiracies which may be formed against him or them; and I do faithfully promise to maintain, support and defend, to the utmost of my Power, against any Person or Persons whomsoever, the Succession of the Crown * *in the Family of his Majesty*, against any other Person claiming or pretending a Right to the Crown of

* I think the words scored under too large and unqualified. In the 6th of Anne, chap. 7. sect. 20. the Oath appointed to be taken after the Queen's death was to maintain the succession of the crown as it stood limited by the 11th and 12th William III. ch. 2. to the Princess Sophia, Electress and Dutches Dowager of Hanover, and the heirs

of these Realms: And I do swear that I do reject and detest as an unchristian and impious Position, that it is lawful to murder or destroy any Person or Persons whatsoever, for or under Pretence of their being Heretics; and also that unchristian and impious Principle, that no Faith is to be kept with Heretics. I further declare, That it is no Article of my Faith, and that I do renounce, reject, and abjure the Opinion, that Princes excommunicated by the Pope and Council, or by any Authority of the See of Rome, or by any Authority whatsoever, may be deposed or murdered by their Subjects, or any Person whatsoever: And I do declare that I do not believe that the Pope of Rome, or any other foreign Prince, Prelate, State or Potentate, hath or ought to have any temporal or civil Jurisdiction, Power, Superiority or Pre-eminence, directly or indirectly, within this Realm. And I do solemnly in the Presence of God, profess, testify and declare, that I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the words of this Oath, without any Evasion, Equivocation, or Mental Reservation whatsoever, and without any Dispensation already granted by the Pope, or any Authority of the See of Rome, or any Person whatever, and without thinking that I am or can be acquitted before God or Man, or absolved of this Declaration or any Part thereof, although the Pope, or any Person, or Authority whatsoever shall dispense with or annul the same, or declare that it was null or void.

Which Oath, so expressed as aforesaid, may and shall be administered by any of the same Courts, and may and shall be registered in the same Manner, and shall give the same Benefit and Advantages, and shall be and operate to and for all the same Intents and Purposes whatsoever, as in and by the said Act of the 18th Year of the Reign of his present Majesty is enacted, expressed, and declared of and concerning the Oath thereby prescribed.

Second Part of
the Bill.

Repeal of the
Laws of Recu-
sancy.

And whereas by an Act of Parliament passed in the first Year of her late Majesty Queen Elizabeth, intituled, "An Act for the Uniformity of Common Prayer and Service in the Church and Administration of the Sacraments," and by several other Acts, particularly, an Act passed in the 23d Year of the Reign of her said Majesty Queen Elizabeth, intituled, "An Act to retain the Queen's Majesty's Subjects in their due Obedience;" an Act passed in the 29th Year of her said Majesty's Reign, intituled, "An Act for the more speedy and due Execution of certain Branches of the Statute made in the 23d Year of the Queen's Majesty's Reign, intituled, An Act to retain the Queen's Majesty's Subjects in their due Obedience;" an Act passed in the 35th Year of the Reign of her said Majesty Queen Elizabeth, intituled, "An Act for restraining of Popish Recusants to some certain Places of Abode;" an Act passed in the second, or as it is commonly called, the first Year of the Reign of his late Majesty King James the First, intituled, "An Act for the due Execution of the Statutes against Jesuits, Seminary Priests, Recusants, &c.;" an Act passed in the third

of her body, being Protestants. Here too, in like manner, I recommend a reference to the same Act for settlement of the Crown. F. H.

In the same Act of Queen Ann the Oath so prescribed is with a blank, for the Name of the King or Queen on the throne for the time being, and the Oath is followed with a clause, directing how the blank is to be filled up from time to time. This appears to me a more correct and complete mode of framing and adjusting the Oath than is here adopted; because it provides for adapting the language of the Oath according to the time present, and so renders a future Act for altering the Oath, on the accession of every prince, unnecessary. F. H.

Year

Year of his said Majesty King James the First, intituled, "An Act for the better discovering and repressing Popish Recusants;" an Act passed in the said third Year of his said Majesty King James the First, intituled, "An Act to prevent and avoid Dangers which may grow by Popish Recusants;" and an Act passed in the seventh Year of the Reign of his said late Majesty King James the First, intituled, "An Act for administering the Oath of Allegiance and Reformation of married Women Recusants;" all Persons are required to resort to their Parish Church or Chapel, or some usual Place where the Common Prayer shall be used, upon pain of incurring the Punishments and Disabilities in the said Acts respectively mentioned, and also are liable to Prosecution and Penalties for keeping or having in their Houses any Servant or other Person not so resorting:

Now BE IT FURTHER ENACTED, That from and after the said Day of 178 no Papist or reputed Papist, or Person professing the Popish Religion, who before the said Day of shall have taken and subscribed the Oath specified in the aforesaid Act of the 18th Year of the Reign of his present Majesty in Manner thereby required, or who after the said Day of 178 shall take and subscribe the Oath herein before appointed to be taken and subscribed, shall be convicted or prosecuted upon, or be liable to be prosecuted upon the said last recited Statutes, or any of them, or upon any other Statute, or any other Law of this Realm, by Indictment, Information, Action of Debt, or otherwise, or be prosecuted in any Ecclesiastical Court for not resorting or repairing to his or her Parish Church or Chapel, or some other usual Place of Common Prayer to hear divine Service and join in public Worship according to the Forms and Rites of the Church of England as by Law established, or for keeping or having any Servant or other Person being a Papist or reputed Papist, or Person professing the Popish Religion, who shall not so resort or repair to his or her Parish Church or Chapel, or some such other usual Place of Common Prayer aforesaid.

AND BE IT FURTHER ENACTED, That from and after the said Day of no Person who before the said Day of shall have taken and subscribed the Oath specified in the aforesaid Act of the 18th Year of the Reign of his present Majesty in Manner thereby required, or who after the said Day of shall take and subscribe the Oath herein before appointed to be taken and subscribed in Manner hereby required, shall be presented, indicted, sued, impeached, prosecuted or convicted in any civil or ecclesiastical Court of this Realm for being a Papist, or reputed Papist, or for professing or being educated in the Popish Religion, or for hearing or saying Mass, or for being a Priest or Deacon, or entering or belonging to any ecclesiastical Order or Community of the Church of Rome, or for being present at, or performing or observing any Rite, Ceremony, Practice or Observance of the Popish Religion, or maintaining or assisting others therein.

PROVIDED ALWAYS and be it enacted, That if any Assembly of Papists, or reputed Papists, or Persons professing the Popish Religion, shall be had in any Place for religious Worship with the Doors locked, barred or bolted, during any Time of such Meeting together, all and every Person or Persons that shall come to and be at such Meeting, shall not receive any benefit from this Law, but be liable to all the Pains and Penalties now in force respecting such Meetings notwithstanding his or their taking the Oath aforesaid.

Third Part of
the Bill.
Clauses respect-
ing Toleration.

AND

AND BE IT FURTHER ENACTED, That if any Papist, or reputed Papist, or Person professing the Popish Religion, who before the said Day of shall have taken and subscribed the Oath specified in the aforesaid Act of the 18th Year of the Reign of his present Majesty in Manner thereby required, or who after the said Day of shall take and subscribe the Oath herein before appointed to be taken and subscribed in Manner hereby required, shall hereafter be chosen, or otherwise appointed to bear the Office of High Constable or Petty Constable, Church-Warden, or Overseer of the Poor, or any other Parochial or Ward-Office, and such Person shall scruple to take upon him any of the said Offices in regard of the Oaths, or any other Matter or Thing required by the Law to be taken or done in respect of such Office, every such Person shall and may execute such Office or Employment by a sufficient Deputy by him to be provided that shall comply with the Laws in this Behalf: PROVIDED ALWAYS that the said Deputy be allowed and appointed by such Person or Persons, and in such Manner as such Officer or Officers respectively should by Law have been allowed and appointed.

AND BE IT FURTHER ENACTED, That every Teacher or Preacher in holy Orders, or supposed holy Orders, that is a Minister, Preacher, or Teacher of a Popish Congregation, who before the said Day of shall have taken and subscribed the Oath specified in the aforesaid Act of the 18th Year of the Reign of his present Majesty in Manner thereby required, or after the said Day of shall take and subscribe the Oath hereby appointed, in Manner hereby required, shall be exempted from serving upon any Jury, or from being chosen or appointed to bear the Office of Church-Warden, Overseer of the Poor, or any other Parochial or Ward-Office, or any other Office in any Hundred, or any Shire, City, Town, Parish, Division or Wapentake.

PROVIDED ALWAYS, and be it further enacted, That nothing contained in this Act shall exempt any other Person or Persons from any of the Laws made and provided for the frequenting of divine Service on the Lord's Day, commonly called Sunday, than and except such Persons as shall resort to some Congregation or Assembly of religious Worship allowed or permitted by this Act.

PROVIDED ALSO, and be it further enacted, That neither this Act, nor any Clause, Article, or Thing herein contained, shall extend, or be construed to extend, to give any Ease, Benefit, or Advantage to any Person that shall deny in his Preaching, Teaching, or Writing, the Doctrine of the Blessed Trinity as it is declared in the Articles of Religion mentioned in the Statute of the 13th Year of the Reign of her Majesty Queen Elizabeth, or who shall by preaching, teaching, or writing, deny or gainsay the Oath or Declaration herein before mentioned and appointed to be taken as aforesaid.

AND BE IT FURTHER ENACTED, That if any Person or Persons at any Time or Times after the Day of do and shall willingly and of Purpose maliciously or contemptuously come into any Place of Congregation, or Assembly for religious Worship, permitted by this Act, and disquiet or disturb the same, or misuse any Preacher or Teacher, such Person or Persons, upon Proof thereof before any Justice of the Peace by two or more sufficient Witnesses, shall find two Sureties to be bound by Recognizance in the penal Sum of 50l. and in default of such Sureties shall be committed to Prison, there to remain till the next General or Quarter Sessions, and upon Conviction of the said Offence at the General or Quarter Sessions shall suffer the Pain and Penalty of 20l. to the Use of the King's Majesty, his Heirs and Successors.

PROVIDED

PROVIDED ALWAYS, and be it further enacted, That no Place of Congregation or Assembly for religious Worship shall be permitted or allowed by this Act until the Place of such Meeting shall be certified to the Bishop of the Diocese, or to the Archdeacon of that Archdeaconry, or to the Justices of the Peace at the General or Quarter Sessions of the Peace for the County, City, or Place in which such Meeting shall be held, and until the Place of such Meeting shall be registered in the said Bishop's or Archdeacon's Court respectively, or recorded at the said General or Quarter Sessions, the Register or Clerk of the Peace whereof respectively is hereby required to register the same, and to give Certificate thereof to such Person as shall demand the same, for which there shall be no greater Fee or Reward taken than the Sum of Sixpence.

PROVIDED ALSO, and be it further enacted, That nothing herein contained shall be construed to exempt any of the Persons aforesaid from paying Tythes, or other parochial Duties, or any other Duties to the Church or Minister, or from any Prosecution in any ecclesiastical Court or elsewhere for the same, or to repeal any Part of the Statute made in the 26th Year of the Reign of his late Majesty King George the Second, intituled, "An Act for the better preventing of Clandestine Marriages," or any Part of any other Statute concerning the Solemnization of Marriages.

And whereas by a Statute made in the first Year of the Reign of Queen Elizabeth, intituled, "An Act to restore to the Crown the ancient Jurisdiction over the Estate Ecclesiastical and Spiritual, and abolishing all foreign Powers repugnant to the same," the Persons therein mentioned were made compellable to take the Oath therein mentioned, commonly called the Oath of Supremacy: And whereas by a Statute made in the 3d Year of King James the First, intituled, "An Act for the better discovering and repressing Popish Recusants," another Oath, commonly called the Oath of Allegiance or Obedience, was required to be taken by the Persons therein mentioned: And whereas by a Statute made in the first Session of the first Year of King William and Queen Mary, intituled, "An Act for the abrogating the Oaths of Supremacy and Allegiance and appointing other Oaths," the said Oaths so required by the said Statutes of the 1st of Elizabeth and 3d of James the First were abrogated, and a new Oath of Allegiance and a new Oath of Supremacy were introduced and required to be taken: And whereas by a Statute made in the second Session of the first Year of his late Majesty King George the First, intituled, "An Act for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hope of the pretended Prince of Wales and his open and secret Abettors," amongst other Oaths thereby appointed to be taken, one is an Oath of Supremacy in the same Words as the Oath of Supremacy required by the said recited Statute of the first Session of the first Year of King William and Queen Mary: And whereas under the Provisions of the said two last recited Statutes Persons in general are liable to have the Oath of Supremacy therein mentioned tendered to them, and are exposed to Penalties for not taking such Oath when tendered, as is required by the said two last recited Statutes respectively. Now, from tenderness to the Scruples and Objections which Persons professing the Popish Religion have to a Part of the said Oath of Supremacy so appointed by the said two last recited Statutes;

BE IT FURTHER ENACTED, that from and after the said Day of
no Papist, or reputed Papist, or person professing the Popish Religion, who before the said

C

Day
of

Fourth Part of
the Bill.

Repeal of the
Acts respecting
Oaths and Sub-
scriptions.

taken as aforesaid shall be put to, and be required to be taken by Papists, or reputed Papists, or persons professing the Popish Religion, before they shall be so admitted to vote as aforesaid, and shall be administered by the same persons and in the same manner as the said Oaths and Declarations are by the said last mentioned Act prescribed to be administered.

And whereas by an Act made and passed in the 30th Year of the Reign of King Charles the Second, intituled "An Act for the more effectual preserving the King's Person and Government by disabling Papists from sitting in either House of Parliament," it was enacted, that no Peer of this Realm, or Member of the House of Peers, should vote or make his Proxy in the House of Peers, or sit there during any Debate in the said House of Peers, nor any Member of the House of Commons should vote in the House of Commons, or sit there during any Debate in the said House of Commons, after their Speaker should be chosen, until such Peer or Member should take the several Oaths of Allegiance and Supremacy.

Sixth part of the Bill.

Repeal of the laws which disable Catholics from sitting in Parliament.

Now be it further enacted, that from and after the said Day of the Oath in this present Act mentioned and appointed to be taken as aforesaid, shall be taken and subscribed by such of the Peers of this Realm, or Members of the House of Peers, or Members of the House of Commons, who shall be Papists or reputed Papists, or who shall profess the Popish Religion, instead of the Oaths and Declaration aforesaid prescribed by the said Act of the 30th Year of the Reign of King Charles the Second, and shall be administered by the same persons, and in the same manner, and shall have the same operation to qualify Papists, or reputed Papists, or persons professing the Popish Religion for sitting and voting in the House of Lords and House of Commons respectively, as in and by the said Act of the 30th of Charles the Second is mentioned respecting the Oaths and Declaration thereby prescribed.

AND BE IT FURTHER ENACTED, that nothing contained in the Act of the first Year of the Reign of their Majesties King William and Queen Mary, intituled "an Act to vest in the two Universities the Presentation of Benefices belonging to Papists," or in the Act of the 12th Year of the Reign of her Majesty Queen Ann, intituled "an Act for rendering more effectual an Act made in the third Year of the Reign of King James the First, intituled "an Act to prevent and avoid Dangers which may grow by Popish Recusants," and also of one other Act made in the first Year of the Reign of their Majesties King William and Queen Mary, intituled "an Act to vest in the two Universities the Presentations to Benefices belonging to Papists, and for vesting in the Lords of Justiciary, power to inflict the same punishments against Jesuits, Priests, and other trafficking Papists, which the Privy Council of Scotland was empowered to do by an Act passed in the Parliament of Scotland, intituled "an Act to prevent the Growth of Popery;" or in the Act of the 11th Year of King George the Second, intituled "an Act for securing the Estates of Papists conforming to the Protestant Religion against the Disabilities created by several Acts of Parliament relating to Papists, and for rendering more effectual the several Acts of Parliament made, for vesting in the two Universities in that part of Great Britain called England, the Presentation to Benefices belonging to Papists," shall disable or prevent any Papist, or reputed Papist, or person professing the Popish Religion, from presenting, collating or nominating to any Benefice, Prebend, or Ecclesiastical Living, School, Hospital or Donative, or from Granting any Avoidance of any Benefice, Prebend or Ecclesiastical Living, provided that the person so presented, collated or nominated, be properly qualified as by Law is required.

Seventh part of the Bill.

Repeal of the laws which disable Catholics from presenting to advowsons.

And

Eighth part of
the Bill.

Repeal of the
laws requiring
Catholics to re-
gister their
deeds & wills.

And Whereas by a Statute made in the second Session of the first Year of his late Majesty King George the first, intituled "an Act to oblige Papists to register their Names and Real Estates," all and every such person and Persons as therein are described, are in Default of taking, within the Time thereby limited, the several Oaths of Allegiance, Supremacy and Abjuration required by the said Statute of the first Session of the first Year of his said late Majesty King George the First herein before recited, and of repeating and subscribing the Declaration against Transubstantiation and Popery expressed in and required by a Statute made in the second Session of the 30th Year of King Charles the second, required to register their Names, and also their Lands, Tenements and Hereditaments, in manner and under the penalties in the said now recited Statute mentioned and expressed: AND WHEREAS by an Act passed in the third Year of his said Majesty King George the First, intituled "an Act for explaining an Act passed in the last Session of Parliament, intituled "an Act to oblige Papists to register their Names and real Estates, and for enlarging the Time " of such registering, and for securing Purchases made by Protestants,"—and by other subsequent Acts, IT IS ENACTED, that no Manors, Lands, or any Interest therein, or Rent or Profit thereout, shall pass, alter or change from any Papist, or person professing the Popish Religion, by any Deed or Will, except such Deed within six Months after the Date, and such Will within six Months after the Death of the Testator, be enrolled in one of the King's Courts of Record at Westminster, or within the County wherein the Manors or Lands do lie: AND WHEREAS the said two recited Acts for Registry and Inrolment, do expose Persons professing the Popish Religion, and their Estates, to great Inconvenience and Embarrassment; NOW BE IT FURTHER ENACTED, that the said two last recited Acts of the first and third Years of his said Majesty King George the First, and also such Parts of all other Acts as require the Registry of the Names and Estates of persons being Papists, or professing the Popish Religion, or being reputed to be such, shall be, and the same are hereby utterly repealed, abrogated and made void; and, from the passing of this Act, no person whatsoever shall be prosecuted, sued, molested or otherwise affected, by reason of not having complied with or conformed to the said hereby repealed Acts, and parts of Acts, or any of them; and all Deeds and Wills shall, from the passing of this Act, be as good and effectual, both at Law and in Equity, and to and for all Intents and Purposes whatsoever, as if the said hereby repealed Acts and part of Acts had never been made.

Ninth part of
the Bill.

Repeal of the
laws which dis-
able the Catho-
lics from prac-
tising the Law.*

AND WHEREAS by an Act made and passed in the 7th and 8th Years of the Reign of King William and Queen Mary, intituled "an Act requiring the Practisers of Law to take the Oaths and subscribe the Declaration therein mentioned;" and an Act made and passed in the first Year of the Reign of his Majesty King George the first, intituled "an Act for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors," all Persons acting as a Sergeant at Law, Counsellor at Law, Barrister, Advocate, Attorney, Solicitor, Proctor, Clerk or Notary, by practising in any manner as such, in any Court or Courts whatsoever, not having before the Time of such acting taken the Oaths and Declaration in the said Acts respectively prescribed, are made subject or liable to the Penalties in the same Acts respectively mentioned.

* I wish to have an opportunity of considering this Clause further.—F. H.

Now

NOW BE IT FURTHER ENACTED, that the Oaths and Declaration in and by the said last mentioned Acts respectively mentioned and appointed to be taken and subscribed by persons acting as a Sergeant at Law, Counsellor at Law, Barrister, Advocate, Attorney, Solicitor, Proctor, Clerk or Notary as in the said Acts respectively is mentioned, shall from and after the Day of next after passing this present Act, be no longer put or administered to, or required to be taken by any Papist or person professing the Popish Religion, as a Qualification or Requisite to enable him to act in the Capacities aforesaid, or any of them; But the Oath in and by the present Act expressed and appointed to be taken and subscribed as aforesaid, shall from and after the said Day of next be administered, taken and subscribed to and by Papists, or persons professing the Popish Religion, and acting or requiring to act in the Capacities aforesaid, or any of them, in the stead and place of the said Oaths and Declaration, and every of them. And in order thereto, the Oath in and by this present Act expressed and appointed to be taken as aforesaid, may and shall be administered, taken and subscribed in the same Courts, and may and shall be registered in the same manner as the Oaths and Declaration, in the room of which it is hereby substituted, are by the Acts so prescribing the same Oaths and Declaration respectively as aforesaid, appointed to be administered, taken, subscribed and registered: And when so taken, subscribed and registered shall, for the purpose of enabling Papists, or reputed Papists, or Persons professing the Popish Religion, to act in the Capacities aforesaid, or any of them, have the same Effect and Operation, to all Intents, Constructions and Purposes whatsoever, as the Oaths and Declaration, in the Room of which it is hereby substituted*.

Drawn, by the Direction of the COMMITTEE of ENGLISH CATHOLICS, by me

CHARLES BUTLER.

Lincoln's Inn, 14 Aug. 1788.

* S I R,

The subject of this Bill is of immense Extent, the Statutes meant to be repealed being numerous and complicated: And though I have considered this Draught of the proposed Bill, with a laborious Anxiety to accomplish the Views with which I have been consulted, yet I do not feel myself justified in returning this present Draught of the Bill, in conformity to the request made to me, without expressing a wish, that I may once more have the opportunity of revising it. What are the parts of the Bill, which appear to me most to require my revision, I have explained in my marginal annotations. The arduousness of properly settling a Bill, on a subject of such great complication and variety, and also of such peculiar delicacy, being considered, I trust, that my request of being permitted once more to deliberate upon the draught of the proposed Bill, will not be deemed unreasonable.

FRA. HARGRAVE.

Boswell Court, 10 Dec. 1788.

I have further considered this Bill, and I approve of the draught as it now stands, subject only to the marginal observations I have made in fol. 3.

FRA. HARGRAVE.

Boswell Court, 24 March 1789.

No. III.

T H E

DECLARATION and PROTESTATION

SIGNED BY THE

ENGLISH CATHOLIC DISSENTERS IN 1789:

With the NAMES of those who signed it.

WE whose Names are hereunto subscribed, Catholics of England, do freely, voluntarily, and of our own accord, make the following solemn Declaration and Protestation.

Whereas Sentiments unfavourable to us as Citizens and Subjects have been entertained by English Protestants, on account of Principles which are asserted to be maintained by us and other Catholics, and which Principles are dangerous to Society, and totally repugnant to political and civil Liberty;—is is a Duty that we, the English Catholics, owe to our Country as well as to ourselves, to protest, in a formal and solemn Manner, against Doctrines that we condemn, and that constitute no Part whatever of our Principles, Religion, or Belief.

We are the more anxious to free ourselves from such Imputations, because divers Protestants, who profess themselves to be real Friends to Liberty of Conscience, have, nevertheless, avowed themselves hostile to us, on account of certain Opinions which we are supposed to hold. And we do not blame those Protestants for their Hostility, if it proceeds (as we hope it does) not from an intolerant Spirit in Matters of Religion, but from their being misinformed as to Matters of Fact.

If it were true that we, the English Catholics, had adopted the Maxims that are erroneously imputed to us, we acknowledge that we should merit the Reproach of being dangerous Enemies to the State; but we detest those unchristian like and execrable Maxims: and we severally claim, in common with Men of all other Religions, as a matter of natural Justice, that we, the English Catholics, ought not to suffer for or on account of any wicked or erroneous Doctrines that may be held by any other Catholics; which Doctrines we publicly disclaim; any more than British Protestants ought to be rendered responsible for any dangerous Doctrines that may be held by any other Protestants, which Doctrines they, the British Protestants, disavow.

1st, We have been accused of holding, as a Principle of our Religion, that Princes excommunicated by the Pope and Council, or by Authority of the See of Rome, may be deposed or murdered by their Subjects, or other Persons.

But

But, so far is the above-mentioned unchristian-like and abominable Position from being a Principle that we hold, that we reject, abhor, and detest it, and every Part thereof, as execrable and impious; and we do solemnly declare, That neither the Pope, either with or without a General Council, nor any Prelate, nor any Priest, nor any Assembly of Prelates or Priests, nor any ecclesiastical Power whatever can absolve the Subjects of this Realm, or any of them, from their Allegiance to his Majesty King GEORGE THE THIRD, who is, by Authority of Parliament, the lawful King of this Realm, and of all the Dominions thereunto belonging.

2d, We have also been accused of holding, as a Principle of our Religion, That implicit Obedience is due from us to the Orders and Decrees of Popes and General Councils; and that therefore if the Pope, or any General Council, should, for the Good of the Church, command us to take up Arms against Government, or by any Means to subvert the Laws and Liberties of this Country, or to exterminate Persons of a different Persuasion from us, we (it is asserted by our Accusers) hold ourselves bound to obey such Orders or Decrees, on Pain of eternal Fire:

Whereas we positively deny, That we owe any such Obedience to the Pope and General Council, or to either of them; and we believe that no Act that is in itself immoral or dishonest can ever be justified by or under Colour that it is done either for the Good of the Church, or in Obedience to any ecclesiastical Power whatever. We acknowledge no Infallibility in the Pope; and we neither apprehend nor believe, that our Disobedience to any such Orders or Decrees (should any such be given or made) could subject us to any Punishment whatever. And we hold and insist, That the Catholic Church has no Power that can, directly or indirectly, prejudice the Rights of Protestants, inasmuch as it is strictly confined to the refusing to them a Participation in her Sacraments and other religious Privileges of her Communion, which no Church (as we conceive) can be expected to give to those out of her Pale, and which no Person out of her Pale will, we suppose, ever require.

And we do solemnly declare, That no Church, nor any Prelate, nor any Priest, nor any Assembly of Prelates or Priests, nor any ecclesiastical Power whatever, hath, have, or ought to have any Jurisdiction or Authority whatsoever within this Realm, that can, directly or indirectly, affect or interfere with the Independence, Sovereignty, Laws, Constitution or Government thereof; or the Rights, Liberties, Persons or Properties of the People of the said Realm, or of any of them, save only and except by the Authority of Parliament; and that any such Assumption of Power would be an Usurpation.

3d, We have likewise been accused of holding as a Principle of our Religion, That the Pope, by Virtue of his Spiritual Power, can dispense with the Obligations of any Compact or Oath taken or entered into by a Catholic: that therefore no Oath of Allegiance, or other Oath, can bind us; and, consequently, that we can give no Security for our Allegiance to any Government.

There can be no Doubt but that this Conclusion would be just, if the original Proposition upon which it is founded were true; but we positively deny that we do hold any such Principle. And we do solemnly declare, That neither the Pope, nor any Prelate, nor any Priest, nor any Assembly of Prelates or Priests,
nor

nor any Ecclesiastical Power whatever, can absolve us, or any of us, from, or dispense with, the Obligations of any Compact or Oath whatsoever.

4th, We have also been accused of holding as a Principle of our Religion, that not only the Pope, but even a Catholic Priest, has Power to pardon the Sins of Catholics at his Will and Pleasure; and therefore, that no Catholic can possibly give any security for his Allegiance to any Government, inasmuch as the Pope, or a Priest, can pardon Perjury, Rebellion, and High-Treason.

We acknowledge also the justness of this Conclusion, if the Proposition upon which it is founded were not totally false. But we do solemnly declare, That, on the contrary, we believe that no Sin whatever can be forgiven at the Will of any Pope, or of any Priest, or of any Person whomsoever; but that a sincere sorrow for past Sin, a firm resolution to avoid future Guilt, and every possible Atonement to God and the injured Neighbour, are the previous and indispensable Requisites to establish a well-founded Expectation of Forgiveness.

5th, And we have also been accused of holding as a Principle of our Religion, That "no Faith is to be kept with Heretics;" so that no Government which is not Catholic can have any any Security from us for our Allegiance and peaceable Behaviour.

This Doctrine, that "Faith is not to be kept with Heretics," we reject, reprobate, and abhor, as being contrary to Religion, Morality, and common Honesty:—and we do hold and solemnly declare, That no Breach of Faith with any Person whomsoever can be justified by Reason of or under Pretence that such Person is an Heretic or an Infidel.

And we further solemnly declare, That we do make this Declaration and Protestation, and every Part thereof, in the plain and ordinary Sense of the Words of the same, without any Evasion, Equivocation, or Mental Reservation whatsoever.

And we appeal to the Justice and Candour of our Fellow-Citizens, whether we, the English Catholics, who thus solemnly disclaim, and from our Hearts abhor, the above-mentioned abominable and unchristian-like Principles, ought to be put upon a Level with any other Men who may hold and profess those Principles?

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Eveling Dormer

Cha. Dormer

John Dormer

James Dormer, jun.

CLIFFORD

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George Throckmorton

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Wm. Thomas

Tho. Smallwood

Wm. Fermor

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Wm.

Wm. Witham
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Miles

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 Tho. Shuttleworth
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 John Trafford
 Mar. Maxwell
 Fran. Goold
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 Henry Fermor
 Thomas Weld
 Tho. Huddleston
 Rich. Huddleston
 James Douglass
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 Wm. Clavering
 Wm. Krisopp
 John Andrews
 William Byrne

Wm. Mawhood
 Cha. Mawhood
 Edw. Foxhall
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 Rob. Gillow
 Rob. Fogg, jun.
 Joseph Haedy, jun.
 Cha. Hornyold
 William Cody
 Tho. Halford
 M. Hutchison
 John Malo
 Sam. Fullam
 Joseph Hunt
 Tho. Eyre
 Christopher Haedy
 John Hunt
 Tho. Thorpe
 John Lampard
 James Eyre
 Jos. Leoni
 Samuel Wesley
 Harry Bagley
 Joseph Clark
 Tho. Jackson
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 Francis Cholmeley
 Rev. Rowl. Lacon
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 Chris. Meynell
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 George Tasburgh
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 Tho. Crathorne
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 Rev. Tho. Slater
 Stephen Tipladey
 Matthew Henry Witham
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C. Tem-

C. Tempest
 John Dalton
 John Westby
 Charles Stapleton, M. D.
 Evan John Gerard
 Hen. Brewer
 Tho. Townley
 Hen. Brewer
 Tho. Leeming
 Peter Holdernefs
 Thomas Woodcock
 Rob. Hilton
 John Westle
 Will. Pemberton
 John Valentine
 John Heatley
 John Graystock
 John Eastwood
 Richard Sharrock
 Tho. Naylor
 James Bane
 Nic. Rigby
 Ed. Leach
 Wm. Rigby
 Lewis Naylor
 Joseph Valentine
 Tho. Rigby
 Richard Ingham
 Thomas Turner
 Rich. Turner
 Rob. Townley
 Rich. Townley
 Nicholas Mathew
 Will. Salisbury
 Thesp. Holdernefs
 Will. Eastwood
 Hen. Brewer, jun.
 Tho. Gregfon
 Christopher Rawsthorn
 James Dewhuerft
 Tho. Dewhuerft

Tho. Cheive
 Culbord Cottam
 John Bolton
 John Hine
 Tho. Horinby
 Rich. Horinby
 Rich. Brewer
 Jas. Ormston
 R. Tempest
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 J. Brettargh
 Henry Sanderfon
 John Sanderfon
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 John Heyes
 James Crouchley
 Jno. Simpson
 Rich. Simpson
 Ralph Caldwell
 Joseph Caldwell
 Henry Caldwell
 Peter Boardman
 Jas. Unsworth
 Tho. Unsworth
 Rich. Unsworth
 Rich. Jenkinson
 Tho. Jay
 William Wood
 Matthias Smith
 James Mather
 Tho. Turner
 Ja. Taylor
 Ga. Fielding
 Edward Richardson
 Peter Marsh
 Wm. Anderton
 B. Tho. Eccleston

Edward Standish
 Tho. Eccleston
 Peter Mofs
 Peter Johnson
 W. J. Formby
 James Glover
 William Befwick
 James Orrel
 John Lancaster
 Tho. Latham
 Tho. Tomlinson
 Will. Dicconfon
 Richard Johnson
 John Bamber
 Will. Spencer
 Tho. Occleshaw
 Ralph Watt
 Dennis Halliwell
 Rob. Holbrook
 George Annesley
 James Holcroft
 Hugh Bullin
 William Culchet
 William Caldwell
 James Spakeman
 John Fell
 James Harrison
 Michael Baron
 Joseph Spakeman
 Tho. Holcroft
 Thomas Eccleston
 John Tascar
 James Leigh
 James Millar
 James Rainsforth
 James Rainsforth
 Hugh Howarth
 William Occleshaw
 John Halliwell
 John Scott
 Roger Scott

James Scott
 John Halliwell
 Tho. Bullen
 Ralph Higginson
 John Whalley
 John Barton
 Geo. Turton
 James Turton
 Joseph Draper
 John Draper
 Wm. Culshaw
 Joseph Glover
 John Haughton
 Michael Harvey
 Michael Harvey, jun.
 Wm. Vaughan
 Joseph Walker
 Thomas Langtree
 Tho. Culshaw
 Jno. Culshaw
 Peter Wright
 James Dobson
 Wm. Halfal
 Rob. Bullen
 Tho. Bullen
 Edw. Chadwick
 Tho. Chadwick
 Christ. Crooke
 John Crooke
 James Crooke
 Tho. Gillebrand
 Henry Fazakerley
 Wm. Arrowsmith
 John Asheton Nelson
 Nicholas Blundell
 Hen. Blundell
 Robt. Blundell
 Jno. Blanchard
 Edw. Brettargh
 Rich. Hewett
 Thos. Bannister

Robt. Loveladay
 Henry Formby
 Thos. Unsworth
 Thos. Unsworth, jun.
 Wm. Unsworth
 William Mofs
 Robt. Mofs
 Roger Leigh
 Jno. Fearon
 Rich. Chaffers
 Hen. Billinge
 Jos. Kaye
 John Kaye
 William Wood
 William Stanley, Bart.
 John Stanley Massey
 Tho. Stanley Massey
 John Stanley
 Thos. Huntley
 Wm. Bolton
 John Bolton
 Charles Morin
 Math. Smith
 Thos. Sanderson
 Wm. Ferrry
 Laurence Whiteley
 James Anderson
 Wm. Hunter
 John Burrell
 Jos. Shippin
 Thos. Bell
 Ralph Younger
 Rich. Younger
 Thos. Moore
 Mich. Pickaring
 Henry Mogie
 Ralph Wilson
 Wm. Topcliff
 Thos. Huntley
 Christ. Kendry
 Ralph Galley

Wm. Geddis
 Geo. Stephenson
 Edw. Taylor
 Robt. Roberfon
 Wm. Scott
 Geo. Robinson
 Nic. Moody
 Alex. Hardy
 Robt. Rakestraw
 Thos. Stevenson
 Jas. Mitchell
 Jas. Mitchell, jun.
 John Masham
 Sam. Doutay
 Thos. Hind
 James Galley
 George How
 James Macdonald
 John Greame
 George Galley
 Thos. Burton
 Sam. Field
 George Huntley
 Rayney Huntley
 John Galley
 Wm. Campbell
 Robt. Hogden
 Thos. Anderson
 Francis Whitehead
 James Whitehead
 Wm. Whitehead
 Peter Knight
 Rich. Wright
 Wm. Scott
 John Huntley
 Rich. Jackson
 Peter Bunn
 Philip Shaftoe
 Samuel Tinble
 Henry Debore
 John Mufhann

Nicholas Leadbitter
 E. H. Widdrington Riddell
 Ralph Riddell
 John Potts
 James Johnson
 William Hodshow
 William Sanderfon
 John Sanderfon
 Thomas Sanderfon
 James Gibson
 Robert Bullock
 Ralph Sanderfon
 John Leadbitter, sen.
 John Leadbitter, jun.
 Matthew Leadbitter
 Phillip Jefferson
 Thos. Stokoe
 Robert Cooke
 John Swinburne
 John Swinburne, jun.
 Ralph Thicknesse
 Roger Anderton
 John Greenough
 Pierce Leatherbarrow
 Geo. Price
 Thomas Bolton
 Peter Greenough
 George Rice
 Edward Pegge
 John Greenough, jun.
 John Ward
 James Sanderfon
 John Gobin
 William Wright
 James Hargreaves
 Samuel Wright
 Thomas Appleton
 William Morley
 William Poscow
 James Bolton
 John Eccles

Wm. Margeson
 James Fairclough
 Thos. Buller
 Michael Morley
 Rich. Cowling, M. D.
 Rich. Walmesley
 Thos. Breers
 John Moore
 Rich. Norris
 Nich. Moore
 Jn. Anderton
 George Bolton
 Jon. Bolton
 Jn. Choppen
 Wm. Caldwell
 Henry Bibby
 Robt. Fairclough
 Tho. Morson
 Tho. Walker
 Geo. Wathington
 Peter Greenough
 Francis Lenthall
 Wm. Copple
 James Hawarden
 John Woods
 Tho. Boardman, jun.
 Peter Boardman
 Thomas Boardman
 Geo. Mann
 Tho. Swinburn
 John Lambert
 Walter Blount, Bart.
 Edward Blount
 George Blount
 John Giffard
 Tho. Moore
 Robt. Plunkett
 John Stapleton
 Geo. Cary, jun.
 Edward Sheldon
 Dom. Sheldon

George Sheldon
 Cha. Hen. Sheldon
 Rev. John Sharrock
 Rev. Christopher Rose
 Christopher Metcalf
 James Fofs
 Wm. Allan
 William Allan, jun.
 James Shaw
 John Blenkinson
 Tho. Buckle
 William Furnace
 John Lawes
 Tho. Slater
 George Winter
 Wm. Stott
 William Mead
 John Malam
 John Malam, jun.
 Francis Wharton
 Rich. Carr
 Simon Smith
 George Bulmer
 Thomas Wittingham
 John Nicholson
 Thomas Plowden
 Thomas Wilkinson
 George Stothart
 Edward Dobson
 Henry Wilson
 Luke Ellison
 Rev. Ferdinando Ashmall
 John Taylor
 Edward Taylor
 Thomas Pinkney
 Thomas Pinkney, jun.
 George Worthy
 John Forman
 Francis Forman
 Charles Humble
 Robert Dunn

Ralph

Ralph Younger
 William Hunter
 John Stoker
 Robert Mufshens
 Cuthbert Mufshens
 John Emerson
 Richard Emerson
 George Emerson
 Thomas Clark
 John Swinburn
 William Hutchinson
 William Foister
 John Pinkney
 Rev. Geo. Witham
 Jno. Wright
 Rev. Charles Howard, D. D.
 Rev. John Taylor
 Rev. Tho. Johnson
 Rev. Michael Wharton
 Jarrard Strickland, jun.
 John Shutt
 Robert Ball
 George Salvidge
 Joseph Salvidge
 John Bird
 John Raines
 James Bird
 George Caley
 John Caley
 John Caley
 Thomas Caley
 Chris. Chap. Bird
 John Taylor
 William Williamson
 George Harrison
 Thomas Wilson
 Thomas Champney
 Leonard Robinson
 Thomas Owst
 David Wright
 John Wright

John Robinson
 John Dresser
 John Johnson
 Michael Watson
 Leonard Caley
 William Craggs
 John Booth
 John Richardson
 Thomas Collinson
 Joseph Harrison
 Edmund Chambers
 Joseph Denton
 Rob. Coupland
 George Shires
 William Cottam
 William Lacy
 John Du Viviers
 Rev. John Brindle
 John Nicholls
 Henry Beeston
 Tho. John Eyston
 Rev. George Bruning
 Rev. Robert Anderton
 Bryant Barrett
 William Davey
 Rev. Joseph Syers
 Basil Eyston
 Rev. John Nutt
 John Johnson
 Joseph Palmer
 John Pendrill
 John Parke
 Thomas Silke
 John Palmer
 James Baker
 John Downer
 John Spurrier
 John Spicer
 Ja. Hardman
 John Hardman
 Wm. Clarkson

John Fielding
 Edward Nee
 John Hill
 James Westwood
 Mathew Fourné
 Thomas Lewis
 Anthony Forest
 Edward Millward
 Tho. Millward
 Will. Green
 Anth. Clough
 William Lewin
 Peter Marchant
 James Day, sen.
 John Pierotti
 Wm. Powell
 Samuel Jefferys
 James Day
 Wm. Watkins
 Elias Darley
 James Groves
 John Finozier
 John Nail
 Wm. Hodgkinson
 Cha. Sheridan
 Tho. Mantle
 Will. Keen
 John Purfalle
 Cha. Lowe
 James Illsley
 John Jefferys
 Michael Kenedy
 Wm. Haskew
 John Richards
 Charles Hodgetts
 John Moreton Ledfam
 Jos. Parrott
 Richard Bromfield
 James Bromfield
 Sam. Bratt
 Will. Holmes

Tho,

Tho. Powell
 Jno. Powell
 Rev. James Howse
 Rev. John Pilling
 George Mascall
 Rt. Rev. Thomas Talbot
 Rev. Anthony Clough
 Rev. Edward Eyre
 Matthew Ellison
 John Mackrell
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 William Corvisor
 Edw. Onion
 David Moody
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 Tho. Heveningham
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 Lawrence Brown
 Anthony Lane
 Jas. Doody
 Jas. Peard
 Sam. Jones
 Samuel Peard
 Rich. Savage
 Tho. Moore
 John Harrison
 George Richards
 Peter Richards
 John Barney
 Charles Lane
 William Eagle
 Tho. Green
 Fran. Green
 Tho. Simkiss
 Rev. Tho. Southworth

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 Jos. Harbut
 Wm. Hayes
 Donald Mac Donald
 G. Sanderfon
 Charles Ashton
 Thomas Sanders
 Joseph Williams
 Mich. Lewis
 Henry Fermor
 Leo. Mole
 Jas. Beezley
 Jno. Powell Lorymer
 Tho. Wm. Lutwych
 Tho. Rayment
 Tho. Bowyer
 John Rayment
 Joseph Preston
 Jam. Bowyer
 James Smith
 Jam. Powell
 Leo. Mole, jun.
 J. Hawkes Sanders
 Jas. Lewis
 Jos. Gibbins
 Ignatius Hand
 William Thompson
 Thomas Phillipson
 Rob. Berkeley
 Rob. Berkeley, jun.
 And. Robinson
 William Acton
 Rob. Stanford
 Rev. Edw. Wright
 Rev. Tho. Barr
 Rich. Reeve
 Jno. Gardner
 John Reeve
 John Chatterly
 Thomas George
 Edward Wilks

Rev. John Corne
 Rev. James Tasker
 Rev. James Corne
 Rev. George Beeson
 Rev. George Maire
 Basil Fitzherbert
 Wm. Fitzherbert Brockholes
 Rev. Wm. Digby
 Tho. Hornyold, jun.
 Charles Bodenham
 Charles Hanford
 Rev. Benj. Stone
 Rev. John Williams
 William Walton
 William Saunders
 Stephen Morgan
 John Wilks
 John Harris
 John Morgan, jun.
 John Morgan
 John Cheston
 Rich. Morgan
 Edw. Morgan
 Jos. Clarke
 Rob. Harris
 Rich. Harris
 Jos. Allwood
 John Stephens
 John Wheeler
 Abel Morrel
 Abel Morrel, jun.
 James Hall
 Tho. Lea
 Rev. Joseph Berington
 John Berington
 Tho. Berington
 Charles Berington
 Rev. William Horne
 Rev. John Kirke
 Rev. Henry Bishop
 Rev. James Caley

Edward

Edward Ferrers
 Edw. Ferrers, jun.
 Rev. John Ingram
 Wm. Smythe
 Edw. Smythe, Bart.
 Geo. Smythe
 Hugh Smythe
 Rev. Charles Blount
 John Grafton
 Joseph Weetman
 Joseph Lea
 Clement George
 Will. Layton
 Will. Harris
 Will. Chaire
 Tho. Davis
 Jos. Currier
 Will. Layton, jun.
 P. Holford
 Cæsar Johnson
 William Sutton
 Jno. Knight
 Wm. Knight
 Rev. George Baudouin
 Joseph Long
 Richard Cave
 James Hanne
 Richard Couche
 Rev. Joseph Strickland
 Michael Blount, of Mapledurham
 James Everard Arundell
 James Arundell
 Raymond Arundell
 Henry Hunloke, Bart.
 Windsor Hunloke
 Robert Hunloke
 James Hunloke
 John Bowdon
 James Bowdon
 Rev. Rich. Turner
 Rev. Jos. Johnson

Rev. Mr. Crofs
 Rev. Mr. Poole
 Rev. Mr. Shuttleworth
 Rev. Mr. Martin
 Rev. Mr. Southworth
 Rich. Aſton, Bart.
 Rev. John Baynham
 Rev. John Reeve
 Jacob Stoker
 Wm. Collins
 Wm. Field
 Jas. Mackrell
 Edw. Roſs
 Rich. Smith
 Rich. Parker
 Jno. Hughes
 Chr. Parker
 Jas. Williams
 Benj. Efner
 Edw. Cary
 Wm. Culcheht
 Wm. Smith
 John Huſſey
 Ant. Ferrall
 Rev. Chas. Needham
 Rev. Jos. Reeve
 Rev. Chas. Timmings
 Rev. J. Smyth
 Rev. T. Alford
 John Reeve
 Tho. Smith
 James Archer
 John Rand
 Richard Freeman
 John Parker
 Joſeph Roſs
 Wm. Couche
 William Hull
 Julian Moiffon
 John Fiſher
 John Morris

G

John Eldridge
 Richard Peach
 W. Weaving
 Henry Peach
 Rev. Philip Wyndham
 John Winter
 James Lahy
 Charles Ibbetſon
 Charles Lane
 John Poynter
 James Danby
 Richard Stacy
 William Connor
 James Bennet
 John King
 James Winter
 Ant. Morris
 Joſeph Heger
 Ant. Baert
 Peter Rich. Lahy
 John Ibbetſon
 John Lane
 Michael Drifcol
 Joſ. Gregſon
 Cha. Wardell
 Henry Pattrick
 Anthony Refoy
 Charles Connor
 Joſeph Still
 Robert Batt
 George Winter
 Henry Innes, Prieſt, charged
 with the Care of the Catholic
 Congregation at Arlington
 Phil. Compton
 Richard Pile
 John Snow
 The Mark ✠ of Bartholomew
 Fogwell
 William O'Brien
 Edward Gill

John

John Woon
 Jno. Benson
 Francis Dennis
 William Gill
 John Sparks
 John Grimshaw
 Edw. Cary
 Rev. Char. Timings
 John Chester
 Robert Rowe
 Andrew Kelly
 John O'Donnoghue
 John Hufley
 Rev. John Smyth
 C. Bodenham
 Wm. Horne
 H. Haddon
 John Berington
 Chas. Berington
 Edw. Ferrers, jun.
 Thos. Tancred
 Thos. Berington
 John Prince
 Peregrine Prince
 Thos. Biddulph
 L. H. J. Haloran
 Ambrose Ferrall
 John Flood
 John Tattershall
 John Trescott
 Jam. Lynn
 James Herbert
 Wm. Smith
 James Brooke
 John Marland
 John Devereux
 William Cornelius
 Walter Roney
 Daniel Neale
 John Sullivan
 James Stenson

James Lupton
 Thomas Bourke
 James Byrn
 Thomas Edwards
 Jas. Malone
 Tobias Conway
 Wm. Holt
 Mark Love
 Thomas White
 Pat. Maxwell
 John Young
 John Collins
 Francis Connor
 Geo. Morgan
 John Neper
 John Duff
 Jno. Moran
 William Ring
 Jno. Marsh
 Henry Daniell
 W. Weeks, sen.
 W. Weeks, jun.
 Jno. Weeks
 Jno. Lavena
 James Wilmot
 Wm. Frampton
 Thos. Peniston
 Jno. Vandenhoff
 William Argile
 James Baltch
 John Haylock
 Edw. Joy
 Wm. Blount
 John Clark
 Sir Thomas Gage
 Thos. Gage, Esq.
 Charles Kenyon
 John Gage
 Charles Thompson
 Edward Pugh
 James Hunt

James Felton
 James Beeston
 William Goodrich
 James Plummer
 Thomas Jellet
 Jno. Perry
 Rev. Charles Needham
 Rev. Joseph Reeve
 Rev. John Halford
 Francis Webber
 Edward Rossiter
 Richard Shimell
 John Weston
 Wm. Culcheth
 John Bennett
 Jas. Knight
 John Shimell
 William Shimell
 John Lovelace
 Thos. Pyke
 Lawrence Weston
 Luckin Richard
 George Babidge
 M. Listan
 John Hufley
 Rev. J. Smith
 James Weetman
 Ralph Moody
 Charles Weetman
 Francis Weetman
 W. Vaughan
 Charles Bosvile
 James Jones
 William Kingston
 Tho. Embry
 John Powell Lorymer
 William Williams
 Peter James
 Jno. S. Woollett
 George Morgan
 George Knight

Edward

Edward Morgan
 George Wyrhall
 J. Wyrhall
 Tho. Croft
 John Lambert
 John Jones
 Rob. Jones
 Michael Watkins
 W. Prichard
 W. Prichard, jun.
 Tho. Hobbes, M. D.
 James Roberts
 Rich. Lee
 A. Pendrill
 William Hall
 Thomas Proffer
 John Proffer
 Thomas Kemble
 Tim. Newman
 Wm. Roberts
 Richard Davies
 Ma. Jones
 Thomas Mullowny
 John Andrus, senior
 Jno. Andrus, junior
 William Adams
 Samuel Cox, senior
 Samuel Cox, jun.
 John Bosvile
 James Cochlen
 Walter Watkins
 Wm. Gerard
 John Williams
 Tho. Langdale
 Tho. Langdale, jun.
 Wm. Tunstall
 Wm. Sheldon
 William Witham
 John Wright, jun.
 Robert Throckmorton, Bart.
 Rev. John Orme

George Halsey
 John Croucher, sen.
 Wm. Stubbington
 Fran. Higinson
 Christ. Croucher
 Benj. Ellis
 Francis Croucher
 John Croucher, jun.
 Wm. Damer
 John Montier
 Henry Tichborne, Bart.
 Rev. Charles Peters
 Thomas Basset
 Jos. Freeman
 Jas. Stubbington
 Thomas Bulbeck
 Jno. Fisher
 Henry Moody
 John Savage
 Thomas Tilbury
 Thomas Nowell
 John Ibitson
 Richard Maudesley
 Thomas Banes
 Tho. Banes, jun.
 James Midshall
 Thomas Blackburn
 Richard Hutherfal
 James Bruerton
 George Ibitson
 George Corbishley
 George Swarfbiek
 William Cottam
 John Swarfbiek
 Rob. Snape
 George Bolton
 Thomas Gardner
 Thomas Ethrington
 Rob. Bland
 John Richardson
 Robert Ibitson

James Walker
 James Whitehead
 John Gardner
 Edward Blackburn
 James Sympson
 John Critchley
 John Banes
 John Gardner, jun.
 Michael Gardner
 Richard Fitzwilliams
 John Sympson
 Nicholas Gardner
 Thomas Finch
 Thomas Duckett
 John Hutherfal
 John Whittinam
 James Eckles
 Tho. Wilson
 James Duckett
 James Smith
 Robert Hutherfal
 Wm. Rubottom
 Tho. Walmsley
 James Clarkson
 Richard Dunderdale
 Richard Suthard
 James Mercer
 John Wilcock
 Robert Gardner
 George Eckles
 Richard H. Lacy
 James Biddlecombe, sen.
 Martin Biddlecombe, jun.
 John Greenwell
 George Corbishley, jun.
 Robert Haithornwhite
 Tho. Dobson
 Henry Kitchen
 Edward Peg
 Thomas Pyke
 Henry Abbott

Wm.

William Pierpoint
 Richard Fletcher
 Wm. Shackelford
 John Reaves
 Richard Collier
 Thomas Poynter
 Francis Ford
 Henry Budd
 Charles Fletcher
 Thomas Heath
 John Dalton
 Hugh Byrne
 James Scott
 Francis Clare
 John Plunkett
 J. H. Miller
 J. Kirwan
 Edw. Crean
 Daniel Thompson
 Rich. Besley, sen.
 Rich. Besley, jun.
 Jas. Ingo
 William Jerningham, Bart.
 NEWBURGH
 Thomas Kiernan
 John Bradshaw
 James Bradshaw
 Henry Witham
 Geo. Bryan
 J. P. Coghlan
 William Bullock
 Patrick Keating
 Samuel Waterhouse
 John Frankland
 Hugh Croke
 John Prujean
 William Cruise
 Law. Nihell, M. D.
 Thos. Savage, M. D.
 Philip Howard, of Corby
 Rich. Arkwright

Will. Kighley
 Tho. Gornall
 Chris. Butler
 Rich. Leach
 Will. Willcock
 Wm. Loxham
 Tho. Walker
 Jas. Walker
 Tho. Moore
 Rich. Cayton
 Tho. Robinson
 Tho. Hodskinson
 Jas. Hall
 Tho. Barrow
 Jas. Barton
 Rich. Carter
 Jas. Danfon
 Wm. Gregson
 Jas. Gradwell
 Evan Wearden
 Rich. Parker
 John Martin
 Henry Brindle
 Giles Craven
 W. Brindle
 Pet. Holiday
 Jas. Singleton
 Jas. Postlewhite
 Jno. Billington
 Tho. Smithies
 Adam Helum
 Jno. Valentine, jun.
 Wm. Gorton
 Chris. Goodear
 Rob. Garstang
 Jno. Hartley
 Jno. Slack
 Jno. Gorton
 W. Hartley
 Geo. Wearden
 Pet. Baldwin

Jno. Whittle
 Jno. Crooke
 Jno. Woodacre
 Tho. Banks
 Wm. Tootale
 Jas. Bolton
 Jno. Bolton
 Jno. Gerard
 Wm. Brown
 W. Cook
 Ed. Banks
 Jno. Middlehurst
 Jno. Bury
 Tho. High
 Geo. Parkinson
 Jno. Blacow
 W. Brown
 Alex. Gregson
 Jno. Smith
 Jno. Gregson
 Jno. Walton
 Jas. Talbott
 T. Edsforth
 Jas. Chew
 Hen. Clarkfon
 Jas. Crook
 T. Burges
 Jas. Pilkington
 Pet. Newby
 Robt. Hubberstey
 Jno. Dickinson
 Jas. Dickinson
 Rich. Cooper
 Ro. Brindle
 W. Brindle
 W. Smith
 Jas. Proctor
 Edw. Brown
 Jno. Felton
 Jno. Hubberstey
 Rd. Swarbrick

Jno.

Jno. Swarbrick
 Jas. Norris
 Hen. Kenneyon
 Rog. Howarth
 W. Pennington
 Jas. Cowpe
 Jos. Taberner
 T. Grimbaldston
 Jas. Brand
 W. Latus
 W. Lund
 Fran. Wells
 La. Turner
 Rd. Johnson
 T. Wilkinson
 Jno. Wilkinson
 Robt. Parkinson
 W. Adamson
 Jas. Heatley
 Jno. Dickinson, jun.
 Jas. Valentine
 R. Cooper
 Ra. Brindle
 Jno. Smith
 Rog. Fishwick
 W. Worley
 Jno. Sharrock
 Th. Burn
 Jas. Hubberstey
 Rd. Almond
 Hen. Pope
 Edw. Threlfall
 Rd. Threlfall
 Rt. Adamson
 T. Adamson
 W. Sharples
 Jno. Horn
 Jno. Walker
 Jno. Kay
 Jno. Banks
 Rt. Hubberstey

Pet. Walton
 Hen. Tomlinson
 Jno. Chew
 T. Charnley
 T. Woodacre
 J. Gradwell
 Mat. Brindle
 Jno. Billington
 T. Billington
 W. Rigby
 W. Shepherd
 Seth Eccles
 W. Wilson
 Jno. Osbaldeston
 Alex. Osbaldeston
 Jno. Turner
 Geo. Turner
 Jno. Crookall
 Thos. Brown
 R. Lacabanne
 T. Miller
 N. Rigby
 Jno. Billington
 W. Barton
 Jas. Southworth
 Jas. Wilcock
 Jno. Arrowsmith
 Jas. Sitgreaves
 Jno. Midghall
 Ra. Ratcliffe
 J. Crook
 T. Snape
 Jas. Rigby
 Ed. Blackburne
 Jas. Mercer
 Jno. Chew
 Rt. Kilshaw
 Jno. Fairbrother
 Jno. Ashton
 Jas. Hubberstey
 Hen. Miller

Edw. Walmley
 Jas. Parkinson
 T. Slater
 W. Cotham
 Jas. Parke
 Jas. Turner
 T. Burscow
 W. Roper, jun.
 P. Rushton
 Jas. Turner
 Jno. Lomax
 W. Bennett
 Ra. Swarbrick
 W. Catterall
 Jno. Turner
 W. Catterall, jun.
 Jno. Walker
 Jno. Holderneffe
 Rd. Melling
 Thos. Smith
 Cuth. Kirk
 Jno. Kirkham
 Jno. Jameson
 T. Holderneffe
 T. Holderneffe, jun.
 W. Roper
 Rob. Roper
 Jas. Roper
 T. Critchley
 W. Parkinson
 J. Diggles
 W. Diggles
 Rob. Hummer
 Jno. Clarkson
 Geo. Clarkson
 Geo. Rogerfon
 D. Rogerfon
 W. Bamber
 T. Bamber
 Ra. Bamber
 Ed. Bamber

Jno. Hoghton
 Hen. Wearden
 Jno. Wearden
 Th. Wearden
 W Wearden
 P. Wearden
 P. Wearden, jun.
 Jno. Billington
 Jno. Billington, jun.
 Ra. Walmesley
 Jno. Carroll
 Jas. Carroll
 Wm. Carroll
 Geo. Hetherfall
 Jno. Rigby
 Ra. Rainford
 W. Appleton
 Rd. Singleton
 Jas. Blackburn
 Rd. Willcock
 Jno. Grimbaldeston
 W. Brindle
 Ig. Walmesley
 Ra. Fidler
 P. Fidler
 W. Livsey
 Robt. Livsey
 L. Pemberton
 Jno. Crookall
 Evan Brindle
 Wm. Brindle
 Law. Johnson
 Jno. Gregson
 Jas. Brindle
 W. Slater
 W. Dickinson
 John Silvertop

M. Hoghton
 Rev. Mr. Cuerden
 Rev. Mr. Mansell
 Rev. Edward Beaumont, Clericus
 Tho. Suffield
 Rob. Suffield
 F. Gostling, sen.
 John Pitchford
 John Pitchford, jun.
 Thomas Bokenham
 John Barwell
 Tho. Havers
 Thomas Havers, jun.
 Jere. Norris
 J. Gobbet
 Henry Dobson
 F. Gostling, jun.
 Spinks Chapman
 James Moore
 James Moore, jun.
 Fra. Jas. Rivett
 John Riseborough, sen.
 John Riseborough, jun.
 Jno. Brown
 Wm. Chaplin
 Geo. Carr
 Francis Barth
 Edward Miles
 Edward Morton
 Henry Knights
 P. Knights
 Thomas Deday
 Thomas Deday, jun.
 Rich. Dinmore
 Rev. Jas. Lane, Clericus
 Rev. Geo. Chamberlayne, Clericus

Fra. Hutton
 Fra. Hutton, jun.
 Robt. Barnes
 Jas. Barnes
 Wm. Meader
 John Moody
 John Moody, jun.
 John Greenwood
 Thomas Vinn
 Wm. Cave
 Joseph Charker
 William Jones
 Charles Mahany
 John Doran
 Charles Moody
 John Linguard
 Joseph Cox
 John Gilbert
 James Cox
 Thomas Akers
 Thomas Baldwin
 Inigo Jones
 William Brewer
 John Clapcott
 Samuel Stubbington
 Wm. Morley
 James Charker
 Rev. Jno. Milner
 John Hyde
 Samuel Taunton
 Rev. Dr. John Lonsdale
 Lewis Wallet
 Rev Christopher Taylor, Cler.
 Thomas Bower
 Michael Little
 John Prujean, jun.

No. IV.

To the Honorable the COMMONS of GREAT
BRITAIN in PARLIAMENT assembled.

The humble PETITION of the Persons whose Names are hereunto
subscribed, on Behalf of themselves and others, CATHOLIC
DISSENTERS of ENGLAND.

S H E W E T H,

THAT Sentiments unfavorable to your Petitioners as Citizens and Subjects have been entertained by English Protestants, and that your Petitioners are subject to various penal Laws on account of Principles which are asserted to be maintained by your Petitioners and other Persons of their Religion, and which Principles are dangerous to Society, and totally repugnant to Political and Civil Liberty.

That your Petitioners think it a Duty which they owe to their Country as well as to themselves to protest in a formal and solemn Manner against Doctrines that they condemn, and that constitute no Part whatever of their Principles, Religion, or Belief.

That your Petitioners are the more anxious to free themselves from such Imputations, because divers Protestants, who profess themselves to be real Friends to Liberty of Conscience, have nevertheless avowed themselves hostile to your Petitioners, on account of the Opinions which your Petitioners are supposed to hold; and your Petitioners do not blame those Protestants for their Hostility, if it proceeds (as your Petitioners hope it does) not from an intolerant Spirit in Matters of Religion, but from their being misinformed as to Matters of Fact.

That your Petitioners acknowledge that they should merit the Reproach of being dangerous Enemies to the State, if it were true that they had adopted the Maxims that are erroneously imputed to them; but your Petitioners detest those unchristian-like and execrable Maxims: And your Petitioners severally claim (in common with Men of all other Religions) as a Matter of Natural Justice, that your Petitioners ought not to suffer for or on Account of any wicked or erroneous Doctrines, that may have been holden or that may be held by any foreign Roman Catholics, which Doctrines your Petitioners publicly disclaim, any more than any of the British Protestants ought to be rendered responsible for any dangerous Doctrines that may be held by any foreign Protestants, which Doctrines they the said British Protestants disavow.

1st, That

1st, That your Petitioners have been accused of holding as a Principle of their Religion, That Princes excommunicated by the Pope and Council, or by Authority of the See of Rome, may be deposed or murdered by their Subjects or other Persons:—But so far is the above-mentioned unchristian-like and abominable Position from being a Principle that your Petitioners hold, that they reject, abhor, and detest it, and every Part thereof, as execrable and impious.—And your Petitioners do solemnly declare, That neither the Pope, either with or without a General Council, nor any Prelate, nor any Priest, nor any Assembly of Prelates or Priests, nor any Ecclesiastical Power whatever, can absolve the Subjects of this Realm, or any of them from their Allegiance to his Majesty King George the Third, who is, by Authority of the Legislature, the lawful King of this Realm, and of all the Dominions thereunto belonging.

2dly, That your Petitioners have also been accused of holding as a Principle of their Religion, That implicit Obedience is due from them to the Orders and Decrees of Popes and General Councils; and that, therefore, if the Pope, or any General Council, should, for the Good of the Church, command your Petitioners to take up Arms against Government, or by any Means to subvert the Laws and Liberties of this Country, or to exterminate Persons of a different Religion from your Petitioners, the Accusers of your Petitioners assert that your Petitioners hold themselves “bound to obey such Orders or Decrees on Pain of eternal Fire;”—whereas your Petitioners positively deny that they owe any such Obedience to the Pope and General Council, or to either of them: And your Petitioners believe that no Act that is in itself immoral or dishonest can ever be justified by or under Colour that it is done either for the Good of the Church or in Obedience to any Ecclesiastical Power whatever.—Your Petitioners acknowledge no Infallibility in the Pope; and they neither apprehend nor believe that their Disobedience to any such Orders or Decrees (should any such be given or made) could subject your Petitioners to any Punishment whatsoever.—That your Petitioners do solemnly declare, That no Church, nor any Prelate, nor any Priest, nor any Assembly of Prelates or Priests, nor any Ecclesiastical Power whatever, hath, have, or ought to have any Jurisdiction or Authority whatsoever within this Realm, that can, directly or indirectly, affect or interfere with the Independence, Sovereignty, Laws, Constitution or Government thereof, or the Rights, Liberties, Persons or Properties of the People of the said Realm, or of any of them, save only and except by the Authority of Parliament; and that any such Assumption of Power would be an Usurpation.

3dly, That your Petitioners have likewise been accused of holding as a Principle of their Religion, That the Pope, by virtue of his Spiritual Power, can dispense with the Obligations of any Compact or Oath taken or entered into by any Person of the Religion of your Petitioners; that, therefore, no Oath of Allegiance, or other Oath, can bind your Petitioners, and consequently that your Petitioners can give no Security for their Allegiance to any Government.—That your Petitioners admit that this Conclusion would be just, if the original Proposition upon which it is founded were true; but your Petitioners positively deny that they hold any such Principle: And they do solemnly declare, That neither the Pope, nor any Prelate, nor any Priest, nor any Assembly or Prelates or Priests, nor any Ecclesiastical Power whatever, can absolve your Petitioners or any of them from, or can previously or subsequently dispense with the Obligations of any Compact or Oath whatsoever.

4thly,

4thly, That your Petitioners have also been accused of holding as a Principle of their Religion, That not only the Pope, but even a Priest, has Power, at his Will and Pleasure, to pardon the Sins of Persons of the Religion of your Petitioners; and therefore that no Person of the Religion of your Petitioners can possibly give any Security for his Allegiance to any Government, inasmuch as the Pope, or a Priest can pardon Perjury, Rebellion, and High Treason.—That your Petitioners acknowledge also the justness of this Conclusion, if the Proposition upon which it is founded were not totally false; but your Petitioners do solemnly declare, That on the contrary, they believe that no Sin whatever can be forgiven at the Will of any Pope, or of any Priest, or of any Person whomsoever; but that a sincere Sorrow for past Sin, a firm Resolution to avoid future Guilt, and every possible Atonement to God and the injured Neighbour are the previous and indispensable Requisites to establish a well-founded Expectation of Forgiveness.

5thly, That your Petitioners have also been accused of holding as a Principle of their Religion, That “Faith is not to be kept with Heretics;” so that no Government which does not profess the same Religion as your Petitioners can have any Security from your Petitioners for their Allegiance and peaceable Behaviour.—That your Petitioners reject, reprobate, and abhor the Doctrine, that “Faith is not to be kept with Heretics,” as being contrary to Religion, Morality, and common Honesty:—And your Petitioners do hold and solemnly declare, that no Breach of Faith with, or Injury to, or Hostility against any Person whomsoever, can ever be justified by Reason of, or under Pretence that such Person is an Heretic or an Infidel.

That your Petitioners further solemnly declare, That they do make this Declaration and Protestation, and every Part thereof, in the plain and ordinary Sense of the Words of the same, without any Evasion, Equivocation, or Mental Reservation whatsoever:—And, that your Petitioners humbly conceive that your Petitioners who thus solemnly disclaim, and from their Hearts abhor the above-mentioned abominable and unchristian-like Principles, ought not to be put upon a Level with any other Men who may hold and profess those Principles.

Your Petitioners therefore humbly pray that this Honorable House will be pleased to grant such Relief to your Petitioners as this Honorable House in it's Wisdom shall deem to be just.

No. V.

T H E

C A S E

O F T H E

ENGLISH CATHOLIC DISSENTERS.

THE LAWS IN FORCE AGAINST THE ENGLISH CATHOLIC DISSENTERS may be ranged under **FOUR** Heads.

- I. Those which subject them to Penalties and Punishments for EXERCISING THEIR RELIGIOUS WORSHIP; under which Head may be ranked the Laws respecting their Places of Education, and the Ministers of their Church.

By these Laws, if any Catholic Dissenting Priest, born in the Dominions of the Crown of England, come to England from beyond the Seas, or tarry in England three Days, without conforming to the Church, he is guilty of High Treason: Those also incur the Guilt of High Treason who are reconciled to the See of Rome, or procure others to be reconciled to it.

27. Eliz. c. 2.

3. Jac. 1. c. 4.

For the last Offence, a Catholic Dissenting Clergyman was tried in 1786, One Witness only being produced against him, he was acquitted upon the Statute of the seventh Year of King William, by which two Witnesses are required to convict a Man of High Treason.

23. Eliz. c. 1.

1. Jac. I. c. 4.

3. Jac. 1. c. 5.

3. Car. II. c. 2.

23. Eliz. c. 1.

3. Jac. I. c. 5.

By these Laws also, the English Catholic Dissenters are totally disabled from giving their Children any Education in their own Religion. If they educate their Children *at home*,—then, for maintaining the School-Master, if he do not repair to Church, or be not allowed by the Bishop of the Diocese, they are liable to Forfeit Ten Pounds a Month; and the School-Master is liable to forfeit Forty Shillings a Day.—Then, if they send them for Education to any School of their Persuasion *abroad*, they are liable to forfeit One Hundred Pounds, and the Children so sent are disabled from inheriting, purchasing, and enjoying any Lands, Profits, Goods, Debts, Duties, Legacies, or Sums of Money. Saying Mass is punishable by a Forfeiture of Two Hundred Marks: Hearing it by a Forfeiture of One Hundred Marks.

For

For the Offences of celebrating Mass, several Catholic Dissenting Priests, now living, have been prosecuted. In 1770, the Hon. James Talbot, the Brother of the late Earl of Shrewsbury, was tried at the Old Bailey Sessions for exercising the Functions of a Romish Priest, and acquitted for Want of Evidence. At the Summer Assizes for the County of Surrey, in 1767, Mr. Malony was tried and found guilty of administering the Sacrament of Our Lord's Supper, according to the Rites of the See of Rome. He remained in Prison for some Years, and was afterwards pardoned on Condition of perpetual Banishment.

II. Under the second Head are those Laws which punish the English Catholic Dissenters for not conforming to the Established Church:—These are generally called THE STATUTES OF RECUSANCY.

It should be observed, that Absence from Church, alone, and unaccompanied by any other Act, constitutes Recusancy.

Till the Statute of 35th Eliz. Chap. 2. all Dissenters were considered as Recusants, and were all equally subject to the Penalties of Recusancy: That Statute was the first Penal Statute made against Popish Recusants by that Name, and as distinguished from other Recusants. From that Statute arose the Distinction between Protestant Dissenters and English Catholic Dissenters;—or, as they are called in the Law, Recusants. The former were subject to such Statutes of Recusancy as preceded that of the 35th of Queen Elizabeth, and to some Statutes against Recusancy made subsequently to that Time; but they were relieved from them all by the Act of Toleration in the first Year of King William's Reign.

By the Statutes against Popish Recusants Convict, they are punishable by the Censures of the Church, and by a Fine of Twenty Pounds for every Month during which they absent themselves from Church; they are disabled from holding Offices or Employments; from keeping Arms in their Houses; from maintaining Actions or Suits at Law or in Equity; from being Executors or Guardians; from presenting to Advowsons; from practising the Law or Physic; and from holding Offices Civil or Military. They are subject to the Penalties attending Excommunication; are not permitted to travel Five Miles from Home, unless by Licence, upon Pain of forfeiting all their Goods; and may not come to Court under Pain of One Hundred Pounds. A married Woman, when convicted of Recusancy, is liable to forfeit Two-Thirds of her Dower or Jointure. She cannot be Executrix or Administratrix to her Husband; nor have any Part of his Goods; and, during her Marriage, she may be kept in Prison, unless her Husband redeems her, at the Rate of Ten Pounds a Month, or the Third Part of his Lands.—Popish Recusants Convict must, within Three Months after Conviction, either submit and renounce their religious Opinions, or, if required by four Justices, must abjure the Realm; and if they do not depart, or if they return without Licence, they are guilty of Felony, and suffer Death as Felons.

1. Eliz. c. 2.
23. Eliz. c. 1.
35. Eliz. c. 2.
3 Jac. I. c. 45.
7. Jac. I. c. 6.
7. & 8 W. c. 27.
1. G. 1. c. 13.

It materially encreases the Oppression and Severity of these Laws, that any Justice of the Peace may convict a Dissenting Catholic of Recusancy, by a *very summary Process*, without any previous Information or Complaint against him.

In the Year 1782, two very poor Catholic Dissenting Labourers and their Wives were summoned by one of his Majesty's Justices of the Peace, and fined One Shilling each, for not repairing to Church; and the

the Constable raised it by distraining in the House of one of them an Oak Table, a Fir Table, and a Plate Shelf; in the House of the other, a Shelf, and two Dozen of Delft Plates, one Pewter Dish, with four Pewter Plates, one Oak Table, and one Arm-Chair. The Sale was publicly called at the Market-Day, and the Goods were sold by Auction at their respective Houses. The Constable's Bill was in these Words:

To not attending Church	—	—	0	2	0
To a Warrant	—	—	0	1	0
To Constable's Expences	—	—	0	2	0
			0	5	0

III. The Laws which subject them to Penalties for NOT TAKING THE OATH OF SUPREMACY, AND THE DECLARATION AGAINST POPERY.

1. W. & M.
1. G. 1.

1st, With respect to the *Oath of Supremacy*, the Statutes of the first of King William and Queen Mary, and the first of George I. contain an Oath by which Persons are made to swear, that "No foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have, any Jurisdiction, Power, Supremacy, Pre-eminence or Authority, Ecclesiastical or Spiritual within this Realm." It is *required* to be taken by the Persons therein named, and it may be *tendered* to any Person by any two Justices of the Peace.

The English Catholic Dissenters object to take this Oath, because, like every other Church in Communion with the See of Rome, they acknowledge the Spiritual Primacy of the Pope. But they do not acknowledge in him any Right, Power, or Pre-eminence, either temporal, ecclesiastical, or spiritual, within this Realm, that can, directly or indirectly, affect or interfere with the Rights, the Person, or the Property of the King, or the Rights, Persons, or Properties of any of his Subjects.

7. & 3. W. 3.
c. 24.
1. G. 1. c. 2.
7. & 8. 20.
c. 22, 27.

By refusing to take the Oath of Supremacy, when tendered to them, they become liable to all the above-mentioned Penalties of Recusancy: They are restrained from practising the Law as Advocates, Barristers, Solicitors, Attornies, Notaries, or Proctors: They are restrained from voting at Elections, and consequently are unrepresented in Parliament.

30. Car. II.

2dly, With respect to the *Declaration against Popery*, an Act passed in the 30th Year of King Charles II. contains a Declaration to be made by the Members of either House of Parliament before they take their Seats. By this they declare their Disbelief of the Doctrine of Transubstantiation, and their Belief that the Invocation of the Saints and the Sacrifice of the Mass are idolatrous.

This Declaration the English Catholic Dissenters cannot make, as the Doctrines to which it refers are among the Articles of their religious Credence.—But whatever may be their Sentiments on the Sacrament of our Lord's Supper, on the most proper Mode of publicly worshipping the Deity, or the Nature of the Intercourse between the Living and the Dead, they beg Leave to observe, that all these Doctrines are in themselves harmless and inoffensive; and that as they *cannot* disable those who hold them from performing any of the Duties, they *ought* not to deprive them of participating in any of the Rights of English Subjects. Yet for their particular Opinions upon these Doctrines, the English Catholic Dissenters are disqualified

disqualified from being chosen Members of the House of Commons, and their Peers are deprived of their hereditary Seats in Parliament.

II. The Laws affecting their LANDED PROPERTY.

How this is affected by the Laws against Recusancy, has been already mentioned.—Besides which, the English Catholic Dissenters are disabled, by other Laws, from presenting to Advowsons, and all other Ecclesiastical Benefices, and to Hospitals and other charitable Establishments, though founded by their own Ancestors.—They are subjected by annual Acts of the Legislature to the vexatious and ignominious Burthen of the double Land-Tax; and they are obliged, on every Occasion, to disclose the secret Transactions of their Families, by reason of the expensive Obligations imposed on them of enrolling their Deeds and Wills.

1 W. & M. c.
26.
12 Ann. c. 14.
11 G. II. c. 17.
1 G. I. c. 55.
3 G. I. c. 18.
continued by
several subse-
quent Statutes.

These are the principal Laws against the English Catholic Dissenters. To the TEST ACT, and to every other Penalty to which other Dissenters are subject,—the Catholic Dissenters are equally liable.

25 Car. II.

There have been recent Instances of Prosecutions against them upon these Laws. But to give them Effect, no *actual Prosecution* is necessary. In many Cases, *without the Formality of an Action*, and in some, *without even the Intervention of an Informer*, by an Operation unobserved by the Community at large, but severely felt by the Victims of it, these Laws CONTINUALLY FORCE THEMSELVES INTO EXECUTION,—and, in an Age of Science and Philosophy, in a Land of Freedom and Happiness, and in the midst of Universal Toleration, deprive the English Catholic Dissenters of many of the Rights of English Subjects, and the common Rights of Mankind;—invite public Prejudice and Defamation upon them;—cramp their Industry;—abridge them in the Means of providing for their Families;—drive them Abroad for Education;—obtrude them on Foreigners for Subsistence;—and make them, as it were, ALIENS IN THEIR OWN NATIVE COUNTRY.

The Act passed for their Relief in the 18th Year of his present Majesty, was a Repeal of one particular Law, which greatly obstructed them in the Enjoyment of their Landed Property, and was otherwise very oppressive on them; but it was not a Repeal of *any one* of the Laws above specified.

No. VI.

STATE OF THE LAWS

RESPECTING

PRESENTATIONS BY ROMAN CATHOLICS

TO

ECCLESIASTICAL BENEFICES.

BY the 3. James I. c. 5. **POPISH RECUSANTS** are made excommunicate. From that Circumstance alone, their Presentations, however good against Strangers, are void as to the Bishop; he may refuse the Presentee, and take Benefit of the Lapse. But independently of that, they are by this Act expressly disabled from presenting to Benefices with or without Cure of Souls, to Free Schools, Hospitals, or Donatives; and their Right of Presentation is given to the Universities. Upon this Act, therefore, when a Papist presents, the Universities may proceed to convict him of Recusancy, and then present in his Right. If the Universities do not proceed in this Manner, the Bishop of the Diocese may, and thereby make the Papist excommunicate: he is then intitled to refuse the Presentee of the Papist, and may himself present on the Lapse.

THE Statute of 1. William III. c. 26. makes the Refusal of the Declaration against Transubstantiation, and a Certificate and Record of such Refusal made at the Quarter-Sessions, equal to a Conviction of Recusancy: the Person so recorded is by that Act as much disabled as if he were a Popish Recusant convicted by Law.

THE Statute of the 12. of Anne extends the former Disabilities to all Persons making Profession of the Popish Religion; and all Persons intrusted directly or indirectly for any Papist are disabled in like Manner.

If any Presentation be made by a Person whom the Bishop suspects to be a Papist, or a Trustee for a Papist, the Ordinary may administer to the Person presenting the Declaration against Transubstantiation, and upon his Refusal to make and subscribe it, the Ordinary is to certify it, and the Universities may thereupon
present

present. For the better Discovery of any secret Trusts, the Ordinary may examine the Person presented upon Oath, whether the Person presenting be a Papist, or a Person entrusted by a Papist; and the Universities may file their Bill in Equity against the Person presenting, his Presentee, and any other Person they may think proper, to discover any secret Trust respecting the Livings. When the Trust is discovered, they may tender the Declaration against Popery to him; and if he refuse it, he is to be esteemed a Popish Recusant convict; upon which the Universities may present.

By the 11. George II. c. 17. every Grant made of an Advowson by any Papist or person professing the Popish Religion, is void, unless made to a Protestant for the Benefit of himself or some other Protestant, and for a full Consideration.

By these Acts, that Description of Persons, whom the Law styles Papists, are utterly disabled from presenting to the Livings upon their Estates, and to every other Ecclesiastical Benefice belonging to them. The Process which thus disables them has not only the Effect of subjecting them to that Disability, but makes them Recusants. By this they become Persons excommunicated, and are punishable by a Fine of Twenty Pounds for every Month during which they absent themselves from Church: They are disabled from being Executors or Guardians; practising the Law or Physic; and are subject to many other Penalties equally grievous. If after being convicted they persist in their Opinions, they are compellable to abjure the Realm; and if they do not instantly depart, or, having departed, if they return without License, they are to suffer Death as Felons.

SUCH is the Situation, equally dreadful and humiliating, of Persons professing the Popish Religion, respecting their PRESENTATION TO BENEFICES. The extreme Cruelty of these Laws, so far as they operate to convict Papists presenting to Livings of Recusancy, cannot, it is humbly conceived, meet with the Approbation of any Person.

IT is obvious, that the Security of the Protestant Religion does not, in any Respect, require that any Disability of this Nature should be imposed on the Papist, or deprive him of his Right of Presentation. No Person can be presented to a Living who has not been ordained according to the Rites of the Church of England. *Previously to his Ordination*, he is examined on his Faith and Morals by the Bishop; he takes the Oaths of Supremacy and Allegiance, and subscribes the Thirty-Nine Articles: and *previously to his Admission*, he subscribes the Three Articles respecting the Supremacy, the Common Prayer, and the Thirty-Nine Articles, and the Declaration of Conformity: and by the Act of Uniformity, he is bound to use the Common-Prayer, and other Rites and Ceremonies of the Church of England.

THESE Laws fully provide for the Idoneity of the Person presented. The Interests of Religion, so far as Religion is interested in Presentations, being thus completely guarded, there can, surely, be no Reason to deprive the Roman Catholic of his civil Right of Presentation by these disabling, rigorous, humiliating, and cruel Penalties.

CH. BERINGTON.
JOS. WILKS.

STOURTON.
PETRE.
HENRY CHA. ENGLEFIELD.
JOHN LAWSON.
JNO. THROCKMORTON.
WM. FERMOR.
JOHN TOWNELEY.
THOS. HORNYOLD.

No. VII.

S T A T E O F F A C T S
BY THE COMMITTEE OF ENGLISH CATHOLICS,
RESPECTING THE OATH CONTAINED IN THE BILL FOR THEIR RELIEF NOW BEFORE THE
HON. HOUSE OF COMMONS.—1791.

In the Name of the CATHOLICS of ENGLAND:

AN Idea having been thrown out, that the Bill introduced into the Honourable House of Commons will not extend Relief to the whole Body, but only to a minor Part of the English Catholics,—WE THE UNDERSIGNED beg Leave to represent,—

FIRST,—That, at a General Meeting of the Catholics, held on the 3d of May 1787, a Committee of Noblemen and Gentlemen was appointed to watch over and promote the public Interest of the English Roman Catholics:

SECONDLY,—That, at a General Meeting held on the 15th of May 1788, the Committee was directed to make an Application to Parliament for the Relief of the English Catholics early in the next Session of Parliament.

THIRDLY,—That, in 1789, an Instrument of Protestation was presented to the Committee, the Object of which was to remove Suspicions and Prejudices, and convince both the Legislature and the Public, that English Catholics holds no Principles hostile to Civil or Political Freedom:

FOURTHLY,—That this Instrument was signed by the Clergy and Laity among the Catholics. It was not deemed necessary to collect the Signature of every Individual; it was thought enough to collect a sufficient Number of Signatures to prove that the Instrument contained the Sentiments of the Body. Accordingly, it was signed by Two Hundred and Forty Clergymen,—and the whole Number in the Kingdom is not supposed to exceed Two Hundred and Sixty,—By every Peer, and, with few Exceptions indeed, by every Catholic Gentleman of Rank, Fortune, or Respectability.—This will appear by a Glance over the Names of the Subscribers to the Protestation:—

FIFTHLY,—That the Oath inserted in the Bill, concerning which Scruples are now said to be raised, contains no more than the Protestation, except the common Profession of Allegiance to His Majesty and his
L Successors.

Successors. To this no loyal Englishman objects; and this the Catholics had equivalently sworn to, in the Oath prescribed in the Act passed for their Relief in 1778:—

ON what Grounds, then, are these Scruples brought forward? Two Persons only,—(they are the Two whose Names are marked with an Asterism in the printed Protestation,)—who had subscribed the Protestation, have expressed a Desire to have their Names withdrawn. The Protestation, therefore, continues, and ever will continue, to be the Pledge of the Sincerity of English Catholics.

IN a Publication, called “ Facts relating to the present Contest amongst the Roman Catholics of this Kingdom, concerning the Bill to be introduced into Parliament for their Relief,” signed JOHN MILNER, it is asserted, that the Gentlemen of the Committee had abandoned the Majority of the Roman Catholics, and taken them by Surprise.—But the Committee have uniformly acted by the Instructions, and have uniformly received the Thanks and Support, of their Body. In this Paper John Milner assumes to act in the Names of Thousands; but, when called upon to specify the Names of these Persons in whose Trust he acted, he could only produce Three Names, and confessed he had obtained the Appointment of those Three Persons after the Publication of this Paper. Of those Three Names Two had been signed to the Protestation, and we have never heard that those Three Persons were ever chosen by the Catholic Body, or any Portion of the Catholic Body, to transact Business in their Names. No Meeting was ever called for that Purpose: and although Attempts have been made by them to procure a Counter-Protestation, never could they obtain any one respectable Name to it.

The Bill is now before the Wisdom and Humanity of the House; and the Catholic Committee beg Leave to represent in their own Names, and in the Names of those in whose Trusts they have acted, that they never will recede from the INSTRUMENT OF PROTESTATION. Anxious as they are that every Individual of their Persuasion should be admitted to Relief, yet they cannot depart from this SOLEMN PLEDGE OF THE INTEGRITY OF THEIR BODY.

IT remains with the Wisdom and Condescension of Parliament to determine, whether it will accommodate itself to the Scruples of a few Individuals.—The Committee, and those in whose Trusts they have acted, will deem themselves for ever bound by the PROTESTATION, and will repeat it as often as called upon.

CHARLES BERINGTON.
JOSEPH WILKS.

STOURTON.
PETRE.
HENRY CHA. ENGLEFIELD.
JOHN LAWSON.
JNO. THROCKMORTON.
WM. FERMOR.
JOHN TOWNELEY.
THOS. HORNYOLD.

March 31, 1791

No. VIII.

No. VIII.

LETTER FROM MR. WALMESLEY.

MY LORD,

THIS comes to inform your Lordship, that, at our Meeting on the 19th instant, we the Four Vicars Apostolic, unanimously condemned the new Oath lately printed. This we did, without the least Intention of giving Offence, either to your Lordship, or to the other Members of the Committee; and we hope that your Lordship and they will take it in that light. Our Duty, and the Call of our People, necessarily induced us to pronounce our Judgment upon it.

And now we beg Leave to offer to you a few Observations.

First, As Things stand, may it not be more prudent to drop, at present, any further Pursuit of the Measures which have been begun? Such a Step seems almost necessary, in order to allay that Ferment which has risen among our People, to put a Stop to Disputes, and re-establish the Concord and Union which before subsisted among us.

Secondly, But if the Measure of petitioning Government must at present, upon urgent Reasons, be pursued, let it be grounded on the Oath of 1778. That Oath is a very sufficient Test of our Allegiance to the King and Fidelity to Government, and was admitted as such at that Time by the whole Legislative Power, and therefore ought to satisfy at present. Besides, it was adopted, as we understand, by the Committee last Year, as the ground-work of a Bill formed for the same Purposes.—Then, the Bill itself, before it be presented in Parliament, we think, should be accurately revised, that no Clauses be inserted in it, clashing with Religion, or shocking the Minds of the Catholics. The Appellation of *Protesting Catholic Dissenters* should be exploded; it is highly disapproved, and would raise in all foreign Countries, a bad notion of the English Catholics*. Let us be named, as heretofore, either Catholics or Roman Catholics—Such Clauses also, as *not*

* It appears, that in foreign countries this appellation would have been properly understood to convey no more, than a conscientious dissent from the legal establishment in matters of Religion. The Prelates and Clergy in the National Assembly of France signed a *protest*, and professing no longer the mode of Religion solemnly authorized by the State, they knew no name more appropriate to their situation, than that of *Catholic Dissenters*. “Mais les vues qui ont dicté la nouvelle loi embrassent tous les *Dissidens*, et cette denomination comprend l’universalité de ceux qui ne professent pas la religion somnellement autorisée dans l’état! . . . Or, que vont être désormais aux yeux de la puissance temporelle les Catholiques, qui refuseront de reconnoître les Evêques et les Curés nouvellement institués par l’Assemblée Nationale, si non de *veritables Dissidens*?” p. 30. Instruction donnée par des l’Evêque de Langres, avec les noms des des Prélats, qui ont adopté la presente instruction.

to educate any Child a Papist, is inadmissible, for similar Reasons.—Again, the Clause of *not educating any Child of protestant Parents a Protestant Catholic Dissenter*, is likewise inadmissible.—Lastly, we wish to be suppressed the Clause, *that all Uses, Trust and Dispositions, whether of real or personal Property, which immediately before passing the Act, shall have been deemed superstitious or unlawful, shall continue to be so deemed and taken*.—But, if even in the original Bill, no such Clauses be inserted, we have still very great reason to fear, that such will be suggested, when the Bill comes to be debated in the two Houses, and probably will pass, as many of the Members are ignorant of the real Tenets of our Religion, and likewise, by reason of their Prejudices, our Enemies. Such new Statutes would be more grievous to us, than all the old cruel Laws, which no one, in these Days, chuses to hear mentioned.

Thirdly, To form a new Oath would be a vain Attempt. For, in the first place, our People having taken the Oath of 1778, are averse to take another, and cry out against having a second forced upon them. Then, it would be in all Appearance, impossible to frame such an Oath as would satisfy all Parties, such an Oath as our Catholics would take, and at the same Time, such as would satisfy the Ministers, &c.

Lastly, As any Bill which may be offered to Parliament for our Relief, relates to the whole Body of the Catholics, their previous Consent ought to be had, not only a very few, but the general part, both of our Clergy and Laity, ought to be previously consulted. If this be not done, the Bill will be liable to be disapproved, opposed, and brought to nothing.

These Observations we, the four Vicars Apostolic, earnestly recommend to your Consideration.

I have the Honour to be,

MY LORD,

Your Lordship's very humble Servant,

London, Oct. 23, 1789.

CHA. W A L M E S L E Y,
SENIOR BISHOP VICAR APOSTOLICK.

The same is written to Sir Henry Englefield, Mr. Throckmorton, and Mr. Fermor of Tufmore.—
I am returning to Chapel Row, Bath.

No. IX.

CASTLE STREET, FEB. 2, 1790.

PRESENT

Mr. C. BERINGTON.
Mr. BROWN.
Mr. STRICKLAND.
Mr. WILKS.
Mr. BARNARD.
Mr. O'LEARY.
Mr. MENNEL.
Mr. RIGBY.
Mr. BELLASYSE.
Mr. HUSSEY.
Mr. ARCHER.

DID all Persons here present sign the Protestation?

Affir. Unan.

Did all sign it as a civil Test merely, without meaning to infringe on the Pope's Spiritual Power, or the Spiritual Power of the Church?

Affir. Unan.

Do any Persons here present think themselves obliged in Conscience to recede from it?

Negat. Unan.

Can the Catholic Clergy, Gentry, &c. who have deliberately signed it, recede from it now, consistently with their Characters as Men of Honour, and without bringing Odium on Religion?

Negat. Unan.

Whether any public receding from the Protestation at present will not tend to confirm the Stigmas and odious Imputations with which the Catholics have been hitherto aspersed?

Affirm. Unan.

At the conclusion of the foregoing business, Mr. Barnard disclaimed any further interference.

Whether in framing that part of the oath which is grounded on the Protestation, there has been any material and essential deviation from the meaning and purport of the Protestation.

Mr. O'Leary sees an essential difference in the parts respecting the spiritual jurisdiction of the Church,

Mr. Brown sees a deviation in like manner.

Mr. Strickland and Mr. Mennell see a material and essential difference.

Messrs. Rigby and Bellafyse, Hussey, Berington, Wilks and Archer see none.

Whether the insertion of the following clause after the words, *subjects thereof*,

In as much as the only spiritual authority which I acknowledge is that which I conscientiously believe to have been transmitted by Jesus Christ to his Church, not to regulate by any outward coercion, civil and temporal concerns of subjects and citizens, but to direct souls by *persuasion* in the concerns of everlasting salvation,

removes every difficulty respecting the spiritual jurisdiction?

Affir. Unan.

A N A D D R E S S

TO THE

CATHOLIC CLERGY OF ENGLAND,

BY THEIR BRETHREN OF THE COUNTY OF STAFFORD.

Dominentur nobis regulæ, non regulis dominemur.

CÆLEST. 1. AD EP. ILLYR.

BRETHREN,

WITH anxious deliberation we have weighed the important concern in which we now engage, and you will believe us, we trust, when we declare, that no consideration but that of duty could have fixed our resolution. For by some we shall be charged with an officious interference; by others with a resistance to power, the controul of which we would weaken; by more with a love of faction and proud pre-eminence. This and more we have foreseen — Circumstances, it is true, in some regards peculiar to ourselves, during the course of our late disputes, brought us before the public. It was not notice we courted, which if it applauds can also censure, nor the approbation of those whose measures we espoused; but we acted under the influence of motives, which not to have complied with, would have exposed us to what we feared most, the reproach of our own minds. — It is to the case of the *Rev. Joseph Wilks*, that we now call your attention.

When the first censure was inflicted in the month of February last, it excited much uneasiness and some inquiry. We, who, for years, had been intimately acquainted with the sufferer, could not, without pausing, be prevailed on to admit, that, in the discharge of a public trust, he had so grievously sinned against the tenets of faith or the prescribed forms of discipline, as to have justly merited the awful sentence of suspension. It was more probable, we thought, that the unsuspecting mind of his venerable superior, in the heat of controversy, had been imposed on by the representations of those, whom animosity, perhaps, blinded. But we soon discovered that the *censure* itself, as it came worded to the public, was *unjust* for want of matter; *illegal* for want

of form; and therefore that it was *null*. The rules which ancient discipline has established, and which canonists have enforced, are, in these cases, precise and absolute. One circumstance, indeed, there was so obviously palpable, that it must have annulled the sentence to the conviction of the most heedless observer. An *appeal* to a *superior tribunal* was at the moment in actual force, when the *inferior judge*, from whose measures the appeal was made, pronounced a sentence on the person who had himself appealed.

Convinced that this censure was *unjust* and *null*, we recommended the case of Mr. Wilks to the General Meeting to be holden in June last; and we pledged ourselves, should the application of that meeting prove successful, that we would make his cause our own, and implore the co-operation of all our clergy. The petition of that meeting, which assumed no interference in ecclesiastical concerns, was successful; and we, therefore, pursued our resolution.

Some of the London clergy, when the matter was laid before them, with a becoming earnestness engaged in it. A *Remonstrance*, stating the whole grounds, on which, it was conceived, the sentence of suspension was *unjust* and *invalid*, was prepared; which *Remonstrance*, when generally circulated and respectably signed, it was intended, should be presented to the right reverend apostolic vicar, whose conduct we deemed blameable.

Now it was, that we sincerely rejoiced to see ourselves removed from a station, in which circumstances, not our own choice, had placed us; for we confided that, in future, others more able, if not more zealous, would direct the way, whom we should be happy to follow in the prosecution of any measures, that had a tendency to promote concord, to vindicate the just rights of the priesthood, if assailed, or to forward, when the times should call for it, the re-establishment of a better order of things.

Difficulties, inseparable from our remote and disconnected situations, however, rendered the progress of our plan slow, and from week to week protracted its completion, when we heard, with the warmest emotions, that a reconciliation, honourable to both, had taken place between bishop Walmesley and Mr. Wilks, and that the latter was restored to his functions. The cause, indeed, which we had undertaken, was not so much that of the man, as of the priesthood; but so sincere were our wishes for peace, the near approach of which, we thought, we could now welcome, that we determined to sacrifice every consideration, how dear or personal soever, to that first of human blessings. The measure of circulating our *Remonstrance* was suspended.

The peace we had welcomed was an illusory appearance; for, in a few weeks, we were informed, that a second censure was threatened, and that, after some days, it was inflicted. The form of the second censure is this:

“REV. MR. JOSEPH WILKS:”

“As in your printed Letter of the twenty-eighth of September last to Thomas Clifford, Esq. you maintain principles which I disapprove, therefore I declare your missionary faculties to cease with the twelfth day of this next November, in my district.”

“Bath, October 29, 1791.”

CHARLES WALMESLEY, Vicar Apostolic.”

The act of rigorous authority, thus announced, really astonished us; and we expected that every minister of religion, to whom the mild spirit of christian discipline was dear, would be roused to resist the mandate. We waited for a call on our christian freedom, not doubting but that they at least, who, on an occasion less glaringly irregular, had so recently declared their resolution, would now set us an enviable example of firmness, temperate and canonical, manly and submissive. But no call came: amazement at the measure seemed to have unnerved exertion: weeks passed; and we began seriously to apprehend that a precedent was going to be established, which might soon absorb all the rights of our order, and subject us, in all cases, to the arbitrary or capricious will of power. This is the consideration which now impels us, most reluctantly we declare, when every other voice is silent, or only spends itself in idle murmurs, thus freely to address you.

Canonists define that, to establish the *legality* of an ecclesiastical censure, such as *suspension* is, and to give it *validity*, it is necessary, that a *citation* precede it (*a sentence given against him who has not been at all cited, is null**)—that the *cause* or *motive* of the censure be expressed in that citation or admonition, (*every censure must be given in writing with the cause expressed; and a copy of that writing be delivered to the party, if required, within a month. But the judge that shall violate any one of these conditions is himself ipso facto suspended from the services and offices of the church.†*)—that the crime, on which the censure is meant to fall, be of a grievous nature, rendered such, or aggravated by *contumacy*, (*censure which is not grounded on a grievous fault, though the cause should be sufficiently proved, is wholly null and invalid before God, nor doth it bind the conscience, as is unanimously taught‡.*) Such is the language of all writers on the subject of censures.

Let these three conditions be applied to the censure now before us.—No *citation* preceded it:—in it is no *expression of the cause*, unless in vague and indeterminate words:—the sufferer had been guilty of no *grievous crime*, attended by *contumacy*. The first will not be disputed.

The second to us is equally clear.—We have examined, with great attention, the printed letter referred to, in which those *principles* are said to be maintained, which bishop Walnesley *disapproves*, and we are perfectly at a loss on what to determine. We can see little more than a narrative of the negotiation which led to the reconciliation between himself and Mr. Wilks. No *principle* meets the eye, nor any thing under the shadow of a principle, unless that single one which is clearly announced, namely, *the principle of protesting against, and appealing from, measures and decisions, which are conscientiously believed erroneous and aggrieving.*

* Sententia contra eum lata qui nullo modo citatus fuit, nulla est ipso jure. *Caas. l. v. c. x.*

† Quævis censura ferri debet in scriptura cum expressione causæ; debetque istius scripturæ exemplum reo requirenti tradi intra mensem. Qui autem unum aliquod istorum iudex violaverit, suspensus ipso facto remanet ab ingressu ecclesiæ divinisque officiis. *Ibid.*

‡ Censura quæ non fundatur in culpa mortali personæ contra quem fertur, etiamsi causa fuerit sufficienter in iudicio probata, nulla penitus et invalida est apud Deum, neque conscientiam rei ligat, ut omnes unanimiter docent. *Ibid.*

But were this the principle *disapproved*, it should not, in accuracy of expression (such as must be that of legal forms) be multiplied into *principles*; and can we, for a moment, be permitted to believe that, it really is that *principle* which a prelate of the church deems so pernicious, that he who maintains it shall be ejected from his district. Either, however, that is the obnoxious principle alluded to, or the *cause* of the censure is not at all *expressed*; and therefore is the censure itself *null*. But is it the less *null*, if that be deemed the objectionable principle?

We will not offer such an insult to your understandings, as to suppose that any arguments can be necessary to establish the principle or right of *protesting* against measures, believed to be erroneous and aggrieving, and of *appealing* from them to a superior tribunal, a right supported by the practice and ecclesiastical canons of our church in all ages and in all countries; a right which the council of Trent denominates *remedium ad innocentiae praesidium institutum*; a right essentially connected with a hierarchy, rising through a gradation of powers to one supreme head. Yet we are really now compelled to think, that this very right or principle is denied; and we are the more confirmed in this opinion, not by the words of the censure only, but because we recollect the recent fact, which we stated to you, of the same prelate's having pronounced a former censure, while an *appeal* from his decisions to a higher court was in full vigour.

We revert, therefore, to the second *condition* necessary to give validity to a censure, repeating that its *cause* or motive, in the case of Mr. Wilks, was not *expressed*; or if expressed, that it supposes in the superior the rejection of a principle, universally admitted to be true, and which, therefore, instead of giving validity to, must necessarily *annul*, his sentence.

In regard to the word *disapprove*, used by the prelate in his censure; we beg leave to ask, whether the mere circumstance of *disapprobation* of principles, in a superior, can render them matter of censure? He may certainly *disapprove* what in itself is neither contrary to faith, nor injurious to morality, nor subversive of discipline. We presume, therefore to think that he should have qualified the *principles* he disapproved as obnoxious under some of these heads, and not have erected the mere *disapprobation* of his mind into a supreme judge of right and wrong, from which there should be no *appeal*.

Finally, where shall we look for the *grievous sin*, adhered to *contumaciously*, the third necessary condition?—We have shewn, that the only principle advanced by Mr. Wilks is a principle of established truth: in his adhesion to that principle, therefore there could be no *grievous sin*, no *contumacy*.—Besides, from the bare statement of facts, there are no grounds for the slightest crimination. On the 10th of September, the reconciliation took place, when Mr. Wilks returned to his functions. Universal joy prevailed. But soon afterwards an account appeared rather partial, and which to some seemed a misrepresentation of the transaction. Mr. Wilks, therefore, to rectify all mistakes, on the 28th of the same September, addressed his printed letter to Thomas Clifford, Esq.

Let us now suppose, that principles of an evil tendency had been advanced in this letter: still, as no specification of this tendency had been made, and no motion for retraction, wherein will lie the *grievous sin*

sin or any contumacy of conduct? Error, surely, may be innocently advanced: it is the obstinate adherence to it that is criminal.—But we have proved that *truth* only comes forward in the printed letter, and we have, notwithstanding, been necessitated to believe, that it is that very truth, which a venerable prelate *disapproves*, and which he has made the matter of a severe censure.

Under this view of the question, which is simple and of easy apprehension, we have concluded that the *suspension* of the Rev. Joseph Wilks is *unjust, illegal, and null*. What then should be done?

We believe the sacred order of *Episcopacy* to have been instituted by Christ; that it is superior to that of the *priesthood*; and to the end that the church of God might be rightly governed, that it is vested with a two-fold power, namely, of *order* and *jurisdiction*, to the latter of which the *forum interius* or of conscience is subject, as likewise the *forum exterius*, “that the inferior orders of the ministry may be governed, agreeably to the rules of ecclesiastical discipline.” But how wisely, in the spirit of mildness, does the council of Trent admonish these pastors, whose ample jurisdiction it has defined, *to recollect that they are shepherds, not tyrants; and so to preside over their flocks, that they rule them not as masters, but love them as their children and brothers: to labour by exhortation and advice, that they be withheld from evil, lest they be compelled to punish . . . for kindness is often more effectual than severity; counsel than commination; benevolence than the arm of power**. And that the mere will of no prelate, either in approving or *disapproving*, should be made his rule of conduct, the same council enjoins: *wherefore be it known to all, that the holy canons must be accurately observed by all, and, as far as may be, without distinction*†.—But we are dwelling on a subject of absolute notoriety; for never, we are persuaded, could a minister of religion have been so far dazzled by the glare of power, as not to have been conscious, at least, that the rules or canons of established discipline were, in all things, to direct his public measures.

Moreover, it is proper we should add, that we believe the *priesthood* also to be an *essential* member of the sacred hierarchy: *Let no one say, that in the catholic church there is not a hierarchy divinely instituted, which consists of bishops, priests, and other ministers*‡. It is the decision of the same council.—To administer the sacraments, and to instruct the people committed to their charge, is the duty of this subordinate ministry.

Sorry we are that a state of things, dependent and irregular, which the confusion of the times has introduced, will not permit us, *in all cases*, to be governed agreeably to the rules of other churches: but where

* Ut se pastores, non percussores esse meminerint, atque ita præesse sibi subditis oportere, ut non eis dominantur, sed illos tanquam filios et fratres diligant: elaborantque ut hortando et monendo ab illicitis deterreantur, ne, ubi deliquerint, debitis eos pœnis coercere cogantur cum sæpe plus apud corrigendos agat benevolentia quam austeritas; plus exhortatio quam comminatio; plus charitas quam potestas. *Sess. xiii. c. i.*

† Quapropter sciant universi, sacratissimos canones exacte ab omnibus, et quoad ejus fieri poterit, indistincte observandos. *Sess. xxv. c. xviii.*

‡ Si quis dixerit, in ecclesia catholica non esse hierarchiam divina ordinatione institutam, quæ constat ex episcopis, presbyteris, et ministris; anathema sit. *Sess. xxiii. can. vi.*

this can be done, (as in many instances it can,) under what pretence is an exemption from ancient and common discipline justly pleaded? Rather, is it not an obligation incumbent on us all to venerate at all times, and to follow, when it may be done, the institutes of our fathers? What the council has defined, you have just heard. Under this idea we may have *parochial cures* and *parish priests*, regularly appointed: *Let each church, (says the 21st canon,) when it can be done, be provided with its proper pastor* *. Nor must this pastor be *amoveable*, unless in cases on which the law has pronounced: *It is perverse and contrary to ecclesiastical discipline, that, by the mere will of any one he be deprived, whom some fault of his, or crime does not remove from the charge he occupied* †, observes another canon.

Yet, notwithstanding the state of things which we deplore, it has, on all occasions, we are confident, been our invariable rule of practice, (agreeable to the canon now cited,) that no inferior minister be removed from his charge, by his bishop, without some grievous or canonical fault being brought, if not legally proved against him. And whenever an instance of the contrary practice has happened, the general voice, we know, has pronounced it to be arbitrary, oppressive, and irregular. So consonant is equity with our common feelings; and so reluctantly does the most submissive mind bend down to tyranny!—It is time to close this *Address*.

Brethren, we have laid before you our conviction on this important case. We call it *important*, because, if there be any *rights* of the priesthood, if any christian liberty, and those rights and that liberty be valuable, they are all involved in the present question, and they call on us to come forward in their vindication. Mr. Wilks has been driven from his flock by an *arbitrary*, an *unjust*, an *uncanonical* censure. But, under the same plea of absolute power, what has fallen on him, may to-morrow be inflicted on any of us, and particularly if we suffer this precedent to be established against us. That we are not refractory, that we are friends to concord, that we venerate the sacred rights of our bishops, that we are amenable to their jurisdiction, the tenor of our lives has shewn, and our consciences now tell us. We invite you to a temperate, a regular, a christian resistance. We invite you to join us in a *Remonstrance* against the measure we have blamed, that, if it may not be in our power to serve the man who is injured, we may, at least, by *protesting* against the abuse of power, save our own rights from encroachment, and in them the rights of our successors.

Reflect also, that by this unjustifiable and irregular step, the jurisdiction of our bishops is itself exposed to reproach and abasement; for it is the indiscreet and abusive exercise of power that most endangers even its just pretensions.—Reflect that, if the principle alluded to in the censure, that is, the principle of *appeal* and *protest* be denied, the *supremacy* of the Roman church is invaded, to which, as to a supreme judge, appeals have, at all times, been made.—Reflect that, if the measure of this censure be permitted to pass

* Unaquæque ecclesia cui facultas suppetit, proprium habeat sacerdotem. *Canon præcipimus* xxi. q. ii.

* Satis perversum et contra ecclesiasticam probatur esse censuram, et frustra pro quorundam voluntatibus quis privetur, quem sua culpa vel facinus, ab officii quo fungitur gradu, non dejicit. *Can. satis perversum. dist. lvi.*

unresisted, a prejudice, unfavourable to the independent freedom of our civil principles, will be re-established in the breasts of our protestant neighbours, namely, that the laity are enslaved by their priests; for if a member of the committee, it will be said, cannot discharge a trust reposed in him, without incurring the severest punishment from his bishop, the same controul may, at all times, be exercised by the inferior ministers who direct the consciences of the laity.—We waive other considerations.

Much then is at stake; and under this impression the present occasion must not pass from us. Should you then, our Brethren, from motives which we do not foresee, still decline to comply with the prayer of this Address—We, the undersigned clergy of the county of Stafford, do, in our own names, and, as far may be, in the names of the catholic clergy of England, in our own behalf, and in behalf of our successors, most solemnly PROTEST against the present *suspension* of the Rev. Joseph Wilks, as against a measure, arbitrary, unjust, and uncanonical. We are,

BRETHREN,

With every sentiment of esteem,

Your obedient and humble Servants,

Thomas Flynn.

Thomas Southworth.

George Beeston.

James Tinker.

William Hartley.

Edward Eyre.

Joseph Berington.

John Roe.

Thomas Stone.

John Wright.

John Carter.

John Kirk.

John Corne.

January 26, 1792.

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1.

TO THE CATHOLICS OF ENGLAND.

MY LORDS AND GENTLEMEN,

I.

WE have the honor to lay before you, *a short account of the principal Circumstances attending our attempt, to procure for the CATHOLICS OF ENGLAND an Exemption from the Laws, enacted in this Kingdom against PAPISTS OR PERSONS PROFESSING THE POPISH RELIGION.*

It was set on foot in the beginning of last Year,—when the Committee, with the Approbation of a General Meeting of the Body, presented a Memorial to Mr. Pitt, stating briefly, the Grievances, under which the Body of English Catholics labour, and the principal Grounds, upon which they claim Relief. The Memorial was presented to him in February. He received it favorably; and at a Conference between him and some of the Members of the Committee, desired to be furnished with Authentic Evidence of the Opinion of the Catholic Clergy and Catholic Universities abroad, with respect to the Existence and Extent of the Pope's dispensing Powers.—In Consequence of this requisition, three Questions were sent to the Universities of Paris, Louvain, Doway, Alcala, Salamanca, and Valladolid, for their Opinions upon them. Their Opinions were accordingly obtained, and proved very satisfactory.—In the mean time, the Season was so far advanced, that it became impossible to bring the Business into Parliament with any prospect of procuring essential Relief, during that Session. It was therefore necessary, that it should lie over to the following Year. But that every thing might be in readiness to proceed immediately upon the opening of the next Session, Directions were given, that, during the Recess, an Act of Parliament should be framed, which should repeal all the Laws, by which the English Catholics are placed in a worse situation than his Majesty's other dissenting Subjects.—Such an Act was accordingly prepared.—This brought the Business to the Close of the Year 1788.—In the Month of December in that Year, a Person of high rank in this Country, sent the Protestation to the Committee, with a Letter recommending that all the Catholics should sign it.—To state this Matter fully, it may be proper to observe, that the Statutes of Nonconformity affect, (but in a very different Degree,) three different Sets of Persons, Catholics, Protestant Dissenters, and Persons of the established Church. All of them were then applying to the Legislature for Relief against these Statutes, and Earl Stanhope's Bill was pending in Parliament. The particular Object of that Bill was to give relief to the Nonconformists of the Established Church: but in its consequences it would liberate Persons of every Description from the Penalties of Nonconformity.—The effects of his Bill would therefore have extended equally to Catholics, to Protestant Dissenters, and to Members of the Established Church; but as there is a prejudice against Catholics, which does not lie, at least in the same degree, against any other Dissenters, it was thought necessary to use, with respect to them, a Method of Recommendation to the Public, which the others did not appear to want. This was, that they should solemnly disclaim some of the Tenets imputed to them. For this Purpose, with long consideration, and after attentively perusing the works of some of our best Apologists, and conferring with Ministers, and some of the leading Men of all Parties, the Protestation in question was framed, and we were called upon to sign it.—The very instant the Committee received it, they transmitted it to Mr. Walmesley, Mr. James Talbot, Mr. Thomas Talbot, and Mr. Matthew Gibson.—They all signed it.—The three first with their own hands,—Mr. Matthew Gibson, by Mr. James Talbot, whom he authorised to sign it for him, if he judged it proper. With *very few* exceptions, it was signed by all the Clergy, and all the Laity of any

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note, in the kingdom of England. The Bill then was new modelled.—We beg leave to observe, that the Advantages we shall derive from its passing into a Law, will be very considerable.—Speaking generally, it will place us on a level with the Protestant Dissenters, except as to the rights of voting at Elections, and sitting in Parliament.—The Provisoes in it, you will please to observe, have not the effect of enacting new Laws. Their only effect is to prevent, in the particular instances there enumerated, the operation which the Act would otherwise have to repeal the Laws now in force. Not one of them imposes any new penalties on the Catholics. They only except the particular cases there specified from the general operation of the Act.—The length of time it took, to arrange the Bill, to the satisfaction of the different parties, with whom it was found necessary to advise, made it so late in the Session, before it was finally settled, that it was thought adviseable, the bringing of it into the House should be postponed till the next Session.—But to put it in a train to proceed when business should be resumed, and as far as lay in our power to draw the attention of the House upon it, we requested Mr. Mitford to inform the House of his intention to bring it in,—and to apprize them generally of its tendency and operation.—This he obligingly did;—and for the information of the Public,—particularly the persons chiefly interested,—the English Catholics,—we printed the Heads of the Bill in the Public Papers.—These have been the principal circumstances attending the Bill. We shall now lay before you the principles and grounds upon which we have framed it.

II.

THE prominent feature of the Protestation and the Oath, certainly is, their introducing to the notice of our Laws, and that, in a very marked and pointed manner, a description of Persons wholly unknown to them before, *THE PROTESTING CATHOLIC DISSENTERS*.—On the propriety of this description, and its probable efficacy, the merit of the plan adopted by us chiefly rests.

I. WITH respect to its propriety:—The description, we submit to you, must be proper, if the Persons, whom it is intended to characterize, be described by it accurately and pointedly,—and if those persons have a real existence.—Now that the description is both accurate and pointed, and that, by far the greatest part, if not the whole body of English Catholics fall under it, seems unquestionable.—The description is contained in the preamble of the Act.—It recites, “That, by divers Laws now in force concerning Papists, or Persons professing the Popish Religion, divers penalties and disabilities had been imposed on such persons on account of certain pernicious doctrines imputed to them,—and that, divers persons, who according to the Laws now in being, are within the description of Papists, or persons professing the Popish Religion, do not hold, and have protested against, such pernicious doctrines, although they continue to dissent, in certain points of faith, from the Church of England, and are therefore called *Protesting Catholic Dissenters*, and that such persons are willing solemnly to protest against, and to declare that they do not hold such pernicious doctrines.”—Nothing can be more accurately or more pointedly told, than the fact contained in the first member of the recital,—that by divers laws now in force concerning Papists or persons professing the Popish Religion, divers penalties and disabilities have been imposed on them, on account of certain pernicious doctrines attributed to them. Is any thing more true than that Laws are now in force against Papists? that these Laws impose penalties and disabilities on them? and that these penalties and disabilities were imposed on them, on account of certain pernicious doctrines attributed to them? Each of these facts is accurately and pointedly mentioned, each of them is strictly and literally true.—Every member of the following sentence, “and that divers Persons, &c.” is equally accurate, pointed, and true.—Is it not true, that divers persons, who according to the laws now in being, are within the description of Papists, do not hold the pernicious doctrines attributed to them?—Is it not true, that, divers persons, within the description in question, have protested against such pernicious doctrines, though they still continue to dissent, in certain points of faith, from the Church of England? Is it not true, that, divers persons within the description of Papists, and dissenting in certain points of faith, from the Church of England, are willing solemnly to protest against, and to declare that they do not hold the pernicious doctrines attributed to them?—These, the Act says, are called *Protesting Catholic Dissenters*.—The precise meaning to be affixed to each of these words, is so clearly expressed, in the second of the two sentences, we have cited from the Act, as not to admit of any doubt.—From this part of the Act it clearly appears, that, the persons in question are termed *Dissenters*,—because they dissent in certain points of faith from the Church of England,—that they are termed *Catholic*,—because they profess to be members of the Catholic Church,—and that, they are termed *Protesting*,—because they have protested, and are willing to protest against, and to declare they do not hold the doctrines attributed to them.

BUT it is said, “That the preamble of the Act will be considered as referring to the Protestation contained in the Oath prescribed by it, and that by the Oath some doctrines are protested against which are not pernicious, and some which are even articles of faith.

To this we beg leave to answer, that, it certainly must be admitted, that the preamble is to be considered as referring to the Protestation contained in the Oath:—and that, if by the Oath, any doctrine be protested against, which is not pernicious, or, *a fortiori*, if any doctrine be protested against, which is an article of faith, the preamble cannot be acquiesced in, by any Catholic, with a safe conscience. Whether the doctrines protested against by the Oath, be or be not pernicious, and whether any of them be matters of faith will be afterwards examined.—All that is contended for at present, is, that, if the doctrines protested against by the Oath be pernicious, and be falsely attributed to Catholics,—the propriety of the expression, protesting Catholic Dissenters, is unquestionable. In that case all the Catholics who will take the Oath prescribed by the Act will fall under it. Having taken it,—as they continue to dissent in certain points of faith from the Church of England, the Act styles them Dissenters;—As they continue members of the Catholic Church,—the Act styles them Catholics;—and as they have protested against certain pernicious doctrines attributed to them,—the Act styles them *Protesting Catholic Dissenters*.—This explanation does not rest upon inference or implication; It is given in express words by the Act itself.

ANOTHER objection made to the description in question, is, “That it *implies* in a very marked and pointed manner, that, *though the doctrines in question are not held by some Catholics, they are held by others.*”

BUT admitting this to be the case, We beg to observe to you,—that, among the doctrines intended to be protested against by the Oath, are:—I. That, Princes excommunicated by the Pope may be deposed by their Subjects:—II. That, the Pope can absolve Subjects from their Allegiance:—III. That, the Pope hath a Civil Jurisdiction within the Realms of other Princes:—IV. That the Pope is infallible:—V. And that a breach of faith with a person may be justified, under the pretence that such person is an Heretic or an Infidel.—Of these tenets, the last was never a prevailing opinion among Catholics, and the contrary doctrine has been maintained by Catholic writers of every age and every country.—The doctrine of the *Pope's Infallibility*, in matters of Faith, (by which, we beg to say, is always meant his personal Infallibility, independently of the general body of the Church,) once had many advocates, and among them persons eminent for their learning.—Some it still has, in parts beyond the Alps.—Thus this doctrine, though rejected by the Protesting Catholic Dissenters, is maintained by some other Catholics.—If therefore the Act, either express or imply, the existence of the distinction in question, it does not, in this respect at least, express or imply what does not exist.—With respect to the other doctrines against which the Oath protests, viz.—That *Princes excommunicated by the Pope may be deposed by their subjects*;—That the *Pope can absolve Subjects from their Oath of Allegiance*;—And that the *Pope hath a civil jurisdiction within the Realms of other Princes*—these, certainly were never articles of our Faith.—But the doctrine, that the Pope was possessed of all those powers by divine right, was once a very prevailing opinion. It was asserted in express terms, and attempted to be carried into execution by Pope Gregory VII. by Paul IV. Pius V. Gregory XIII. Sixtus V. and some other Popes. Has any Pope ever disclaimed them, or permitted his right to them to be questioned in his own dominions? Cardinal Bellarmine wrote several Treatises for the sole purpose of proving the Pope's power in Temporals. In support of his Thesis, he cites the authority of many provincial Councils and numberless writers of great name.—But to confine ourselves to the history of our own nation,—In the year 1602, Mr. William Bishop, then the Bishop of Calcedon, and Twelve other Priests signed a Protestation of Allegiance. See Dod's Church History, 11 vol. p. 292. The faculty of Louvain censured it in the strongest terms. “In ea,” (this is their language,) “videntur supponere pontificem non habere indirectam saltem potestatem in temporalibus, sine principem per nullam ecclesiasticam potestatem regno suo posse privari vel absolvi subditos a juramento fidelitatis quo ei anteparere tenebantur, hoc autem sine dubio falsum est.” “The Remonstrants,” (say the Faculty) “suppose that the Pope has not even an indirect power in Temporals, — and that Princes cannot be deposed by their subjects, nor their subjects absolved from their Allegiance to them, by any ecclesiastical power, which without a doubt is absolutely false.”—(See Remonstrantia Hibernorum contra Lovanienses ultra-montanasque censuras, auctore Caron, Theologo emerito, 1655.) In 1662, some of the Irish Catholics presented a Remonstrance to Charles II.—It is a mere declaration of allegiance, and reprobation of the king-killing and deposing doctrines. It was condemned by the Cardinals, and by the university of Louvain, and the Remonstrants were excommunicated. Mr. Carte says, they were on the point of starving in their own country.—When the Oath of Allegiance was proposed to the Catholics, in the reign of James I. Cardinal Bellarmine composed several Treatises to shew, that, it was not lawful for them to take it, because, among other grounds, it contained an express denial of the Pope's power in Temporals.—He treats the contrary opinion, almost as heretical. Leonardus Lessius, Gretzer, Suarez, and Becanus, published Treatises upon the same occasion to enforce the same doctrines.—It is remarkable, that, Bellarmine only contended for the Pope's having an indirect power in Temporals, and that some very respectable writers of his life say, that, by not admitting him to have a direct power in Temporals, he incurred the displeasure of the See of Rome.—There are frequent instances where the Clergy and Parliament of France,

have had occasion to censure publications, where the Pope's power in Temporals has been maintained, but is there any instance where these publications have been checked by the See of Rome?—Some times even, as in the cases of Bellarmine and Suarez, the Pope has given distinguished marks of his approbation of Treatises in which these doctrines were held. The Declaration of the Clergy of France in 1682 was proscribed by Pope Innocent XI.—Till Ganganelli was elected to the Tiara, the Bull *in Cœna Domini*, was solemnly read on every Maundy Thursday, in Saint Peter's at Rome. We beg to refer to two very sensible and very able treatises in Latin of Mr. Preston, an English Benedictine Monk, published by him under the name of Roger Widdrington, in answer to Bellarmine, Lessius, Gretzer, and Becanus. In both of them, he admits Bellarmine's to be the general opinion; he seems even to concede, that, it is the more probable opinion;—he only professes to contend, that, it is not an article of Faith; and that, the contrary opinion has so much probability in it, that it may be followed in practice, with a safe conscience.—This seems to justify us in saying, that, the opinion in question was once a very general opinion.—By some it is maintained at this day. There are therefore too good reasons to argue, that, a real and substantial distinction exists between those Catholics who maintain, and those who reject, the doctrine of the Pope's temporal power. In this respect, therefore, the oath seems unobjectionable.—But before we quit this subject we beg to observe, that the Oath of Allegiance proposed to the Catholics by James I,*—which Bellarmine, Suarez, Gretzer, Becanus, and Lessius reprobated as unlawful,—against which Paul V. fulminated a first, a second, and a third Bull,—which he formally pronounced to contain *many things* contrary to faith and salvation,—which, or the like of which, he enjoined the Catholics of England never to take,—to the not taking of which, the laws passed since that time against the Catholics, their subsequent calamities, their sequestrations, the extinctions of their families, and particularly the suspicions entertained of their temporal dependence on the Court of Rome, are, at least, in a great degree, to be attributed,—*this oath,—this very oath*, (with the exception that it declares the deposing doctrine to be heretical,) is in substance the same as the oath of 1778;—with this exception therefore, this very oath was in 1778, taken by our present Vicars apostolic, and is in 1789 held out by them as a perfect and unexceptionable declaration of the principles of the Catholic Faith.

II. THEN as to the *probable efficacy* of the plan adopted by the Committee, for conciliating the minds of the Public—The defamation of two hundred and fifty years, under which the Catholics have laboured, has raised a prejudice against them, which is not yet eradicated.—The utmost change in the sentiments of the Public, that the accumulated efforts of all the writers, and the compleat innocence (in this respect at least) of the morals and manners of the English Catholics have been able to produce, is, that, it is become a very general opinion among our adversaries, that some, (though but a few) of those, who profess the Catholic Religion, and are consequently in communion with the See of Rome, do not maintain the tenets in question; and that, however erroneous some of the doctrines of the Catholic Church may be, no Catholic should suffer any civil punishment for maintaining them, except so far as they are hurtful to society, or inimical to Government.—Upon these admissions of the adversaries of the Catholic cause, the Committee have thought it prudent to elose.—They might contest the position, that, few only of the body of Catholics reprobate the doctrines in question.—But waving all dispute upon that point, they rather chuse to try the cause on their adversaries own admissions;—They therefore adopt the form of an Oath, in which the Catholics renounce such of the doctrines imputed to them as are supposed to be morally or politically evil.—Neither do they claim an exemption from the penal laws for all the Body; they claim it for those only, who make the renunciation in question.—To them the adversaries of the Catholics (if they are consistent with their own principles or even with their own prejudices,) must admit Toleration ought to be extended.—The operation therefore of the Bill is to leave those ideal numbers of Catholics who persist to hold the tenets in question, (mere non-entities, we hope,) to continue victims to the laws enacted against all Communicants with the See of Rome, indiscriminately, and to the animosities, which gave rise to them; but at the same time to make an opening, through which such of the Communicants with that See, as protest against the doctrines in question, (that is, we hope, the whole body of English Catholics,) may slip from under the operation of the laws in question, unheeded and unobserved.—The consequence is, that, in fact a considerable portion of relief is procured for *all* the English Catholics, while at the same time there is little reason to apprehend any thing of that senseless, but formidable outcry which was raised in 1780 against the statute which passed in 1778, for the relief of Catholics under the appellation of Papists,—a name we have always considered opprobrious, but the only name by which we have been known in the law of England, since the Reformation.—Upon these grounds, therefore, we submit to you, whether the *propriety* of the description in question, and its *probable efficacy*, be not indisputable.

III.

We shall now take the liberty to state what we understand are the *principal objections* to the measure.

It is said, that, *the Clause contained in it, by which the Catholics deny any foreign power's having a right of Jurisdiction in this Country, materially differs from the Clause to that effect inserted in the Protestation.*

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* See the Cath at length in the Act intituled, "An Act for the better discovering and suppressing of Popish Recufants."—1 James I. c. 4.

In answer to this, we beg to observe, that, the words of the Protestation are "That no Church, nor any Prelate, nor any Priest, nor any Assembly of Prelates or Priests, nor any Ecclesiastical power whatsoever, hath, have, or ought to have, any jurisdiction or authority whatsoever within this Realm, that can directly or indirectly affect, or interfere with the Independence, Sovereignty, Laws, Constitution or Government thereof, or the rights, liberties, persons or properties of the people of the said Realm."—In the Oath, it is said, that "no foreign Prince, Person, Prelate, State or Potentate hath or ought to have any Civil Jurisdiction or Authority whatsoever, within this Realm, or any spiritual authority, power or jurisdiction whatsoever within this Realm, that can directly or indirectly, affect, or interfere with the Independence, Sovereignty, Laws or Constitution of this kingdom, or with the Civil or Ecclesiastical Government thereof as by law established, or with the rights, liberties, persons or properties of the subjects thereof."—The cause of this difference was as follows:—In the Oath of 1778, we swear that, "We do not believe, that, the Pope, &c. hath, or ought to have any Temporal or Civil Jurisdiction, &c. directly or indirectly, within the Realm,"—without the additional words, "that can affect or interfere with the Independence; &c. of this Kingdom."—Upon this it was observed to us, by a person very high in power, that, the qualifying words, "that, can affect, &c." made the Protestation more confined than the Oath of 1778.—To this it was answered, that the Oath of 1778 did not say any thing of the Pope's spiritual power, and therefore no such qualifying words were then called for; but that, as the Protestation referred to the Pope's spiritual power, it was necessary to insert in that, some qualifying words.—That, some Ultra-montane Divines, particularly Bellarmine, had maintained, that the Pope's spiritual power authorised him to interfere indirectly with the temporal rights of Sovereigns and their subjects; That, it had been intimated to us, that, we were called upon to disclaim that doctrine;—That to this, we had no objection;—That it was true our belief of the Supremacy of the Pope did not permit us to take the Oath of Supremacy in its present form, but that, believing as we did, the Pope's Supremacy to be merely spiritual, we conceived it perfectly safe for us to declare, that the Pope had no supremacy which could affect the rights of the Sovereign, of the subjects, or of the government of this Realm.—This Explanation was accepted;—it was therefore proposed, that the negation of the Pope's Civil power should stand unlimited and unqualified;—but that the negation of his Spiritual power should stand qualified with the words, "that can interfere with the independence, &c. of this Realm, or the rights, persons, or properties of the Subjects." These words therefore were inserted, *not as a denial of the Pope's spiritual Supremacy;—but as a denial of his having any Supremacy that affects or interferes with the Rights of the Public, or the Rights of Individuals*—We beg leave to add, that, the alteration in question cannot be considered as a deviation from the substance of the protestation.—In the Protestation it is said, that, "no Church, &c. hath or ought to have any Jurisdiction or Authority whatsoever within this Realm, that can directly or indirectly affect or interfere with the Independence, &c. of the Realm, or the Rights, &c. of the People." The words "any" and "whatsoever," are surely tantamount to the words "*any Jurisdiction, spiritual or temporal.*" When therefore the Oath says, that, no Church, &c. hath any Jurisdiction, spiritual or temporal, &c. it cannot be considered as including any species of Jurisdiction, &c. which is not necessarily included in the words, "any Jurisdiction whatsoever."

ANOTHER Objection to the Oath, we understand, is, that, *by it we deny the Church's having a Spiritual Power.*

NOTHING could be further from our Thoughts: And the objection, we conceive must vanish the moment the true meaning or import of the expressions used in the Oath is adverted to. It is not meant to deny by them the spiritual Authority of the Church to preach her Faith, administer her Sacraments, Ordain the Ministers of her Word, punish by spiritual Punishments, or reward with spiritual Rewards, or any other spiritual Right, with which she was invested by Christ, All that is intended to be denied by the Oath, is, that Right which her divine Founder so constantly, so unequivocally and so forcibly disclaimed, to *LEGISLATE IN TEMPORAL CONCERNS, OR TO ENFORCE HIS SPIRITUAL LEGISLATION BY A COERCION OF A TEMPORAL NATURE*. Both these Rights are equally temporal; both consequently equally rejected by Christ, when he declared his Kingdom not to be of this world.—This is the true meaning of the Oath.—In this sense, all the contested passages should be explained, and so explained, we beg to say every objection to them necessarily ceases. Thus, it is objected, that, the Oath is erroneous when it protests against the right of the Church, to affect or interfere with *the persons* of the Faithful.—But nothing can be more just, either in fact or in expression, than these words, if they be explained in their true sense. For who can say, the person of any Individual is liable to the legislation of the Church in any Concern of a temporal nature, or subject to be coerced to obedience to her spiritual Legislation, by temporal means?

THUS, also it is objected, that the Oath is erroneous when it protests against the right of the Church to affect or interfere with the *Ecclesiastical Government of the Kingdom as by Law established*—To this objection, a complete answer we conceive, might be made by observing, that, the Ecclesiastical Government of a Country, *so far as it is by Law established*, is a part of the temporal Government of that Country. When therefore, it is said, that, neither the Pope, nor the Church, &c. has, or ought to have any right to interfere with the Ecclesiastical Government of a Country, as by Law established, we only repeat the proposition, on all sides acknowledged to be unquestionable, that, the Pope, &c. has not any right to interfere in the temporal Government.

Government of that Country. But without entering into this discussion, we beg to revert to our first answer, viz. that in all these passages of the Oath, nothing is meant to be denied, but a right of temporal Legislation, or a right to enforce spiritual Legislation by temporal means, to neither of which, it is on all hands admitted, the Church can have any just claim. But it may be asked, how is it proved that the Expressions in question are to be understood in this sense. We beg to answer that, we have had repeated conversations on this subject with the first men in the kingdom—Men whose lives are spent in attending to great Legislative Questions, and deeply versed in every species of legal and constitutional Information.—From Men of this description, the people of England are in the habit of deriving their Notions, both of words and things.—Now, we beg to assure you, that, we have not met a person of this description, we have not yet found any one man accustomed to constitutional or legal discussions, or habituated to business and its language, who does not understand and reason upon the expression in question in the manner we speak of. We beg to add, that, a few days before our Bill was mentioned in the House, we circulated a printed Case, among the Members of both Houses.—We express ourselves in it in the following words.—“The English Catholic Dissenters object to take the Oath of Supremacy, because, like every other Church in communion with the See of Rome, they acknowledge the spiritual primacy of the Pope.”

Now it cannot be thought possible, that, we should have inserted this expression in the Case, if we thought it contradicted the Oath, or that if it did contradict the Oath, it would have escaped the Animadversion of the public. Yet we beg leave to assure you, that, though the Cases were universally circulated both in Parliament and out of Parliament, to this hour we have not even heard the supposed contradiction pointed out.—We also beg leave to assure you, that, we know for certain, that the leading men of the Nation understand, that, nothing contained in the Oath is meant as a denial of the Catholic Belief of the Pope's spiritual Supremacy.—But what puts the meaning of the words beyond controversy is, that, the expressions of this nature, to be found in the holy Fathers, and the most eminent School Divines, and even the very words of the Son of God, are in this respect exactly in the same predicament as the expressions we are speaking of. If it be agreed to understand them, in the sense contended for above, nothing is more accurate. In any other sense they are inaccurate in the extreme—such as it is impossible should fall from the lips of eternal Truth. When our Saviour says, *Regnum meum non est de hoc Mundo*—What do the words signify, what can they imply—but a rejection of the right of temporal Legislation, and the right of enforcing his spiritual Legislation by temporal means? When St. Austin paraphrasing this passage, says, *Audite reges terræ, non Impedio Dominationem vestram*, Is not the word, *Impedio*, synonymous with the words *affect or interfere*? Does any one pretend to say that the Pope or the Church has a right to affect or interfere with the Civil Independence, the Civil Sovereignty, the Civil Constitution, or the Civil Government of this Realm?—No Divine on this side the Alps would assert it. Yet, if by the words “Affecting or interfering” is understood, affecting or interfering by the spiritual Right of preaching and teaching, it is unquestionably true, that the Church has a right to interfere with the Civil Independence, the Civil Sovereignty, the Civil Constitution, and the Civil Government of this Realm. For, permit us to observe,—If one Province of a Kingdom, were without justice or reason, to rebel against the State, and claim to be independent of her—If one state were to exercise undue Sovereignty over another,—If the Constitution of a State were essentially wicked;—If the Government of a State were to be tyrannical and unjust—are not these as much sins in the eye of God, as they are crimes in the eye of man? As such are they not subject to the spiritual power of the Church, to her teaching, preaching, and censures? Yet that the Church has no jurisdiction or authority, that, can directly or indirectly, affect or interfere with the Civil independence, sovereignty, constitution or government of a Sovereign state, is acknowledged by our best writers. But unless the words affect or interfere are understood in the sense in which we say they ought to be understood, the proposition is false—Therefore, the words affect or interfere must be taken in the sense in which we understand them; so understood they are perfectly free from objection.

ANOTHER objection made to the Oath, we understand, is, that, the party asserts in it “that neither the Pope nor any Prelate, nor any Priest, nor any Assembly of Prelates or Priests, nor any Ecclesiastical power whatsoever can at any time dispense with, or absolve him from the obligations of this Oath, or of any Oath, or of any other Compact whatsoever.”

To this, we beg to say in answer, what some of the ablest Divines of this Kingdom have mentioned to us, that, when in consequence of an Oath taken to, or a compact entered into, with any person, the party taking the Oath, or entering into the Compact, has contracted any obligations to the person, to whom the Oath is taken, or with whom the Compact is made: in that case, neither the Pope nor any Prelate, nor any Priest, nor any Assembly of Prelates or Priests, can have any power to absolve, or free the party from the obligations so contracted by him. It is true, that, an Oath may be taken, and a Compact made under such circumstances, as to be absolutely void; the consequence is, that an Oath so taken, and a compact so made, subjects the party to no obligation. Such is the case usually put, of a promise on Oath, to pay a sum of money, extorted from the party by great personal violence, or by the threats of immediate death. In these and in other cases, of the like nature, it may be a question whether the obligations exist, but if they do exist,

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no power can dispense from them.—We must also add, that, by the Oaths and Compacts here referred to, the Bill does not refer to vows, or other promises made to God, and which do not affect the Rights of third Persons.

ANOTHER objection made to the Oath, we understand is, that by it the Doctrine “that Princes excommunicated by the Pope, or by the authority of the See of Rome, may be deposed or murdered by their subjects or any other person” is called heretical.

To this it is answered, that, among the many Epithets expressive of abhorrence, which the English language furnishes, and none of which are too strong to express the abhorrence which English Catholics have of the Doctrine referred to in this clause, the Epithet here inserted is one of the last which would have occurred to us. The fact is, that, the whole of this clause was inserted upon the suggestion of one of the first personages in this Kingdom. He observed, that, an uniformity of Oaths throughout the Kingdom was greatly to be desired; that, the religious scruples of the Catholics made them refuse one part of the Oath of Supremacy, but that they had no religious objections, either to the other parts of the Oath of Supremacy, or to any part of the Oath of Allegiance, or the Oath of Abjuration. He, therefore recommended, that, the whole of the Oaths of Allegiance and Abjuration, and as much of the Oath of Supremacy, as Catholics do not think contrary to faith, should be inserted in the Oath to be taken by them.—To this circumstance the insertion of the word *Heretical* is owing.

With respect to its propriety,—We beg to submit to you, that, the proposition, “It is our duty to give to Cæsar, what is Cæsar’s,” is a precept of the Gospel, and that all Divines interpret this precept to extend, as much to the obligation of not disturbing Cæsar, in the possession of what belongs to him, as to the obligation of restoring to him, that, which is unlawfully taken from him.—Excommunication does not deprive a Prince of his right to the Throne, nor make him forfeit his life—Cæsar’s throne and Cæsar’s life belong to Cæsar, as much after, as before Excommunication. It follows, that, to say a Prince excommunicated, may be deposed or murdered, is to assert that his being excommunicated, gives his subjects a right to deprive him of his throne or his life; or in other words to disturb Cæsar in the possession of what belongs to him. This doctrine is directly contrary to the doctrine of the Gospel. With respect to its being Heretical, We beg to call your attention to the distinction in the schools between, a *material* and a *formal* Heresy. A Doctrine contrary to the word of God, if it have not been expressly condemned as such, by the authority of the Church, is said to be *materially* heretical.—When it has been expressly condemned as such by authority of the Church, it is said to be *formally* heretical.—In the Oath of Allegiance prescribed by the statute of James the I. is the following clause. “And I do further swear, That I do from my heart abhor, detest and abjure as impious and heretical, this damnable doctrine and position,—That Princes which be excommunicated, or deprived by the Pope, may be deposed or murdered by their subjects, or any other whatsoever.” Pope Paul the Vth. by three briefs reprobated this Oath. The Divines of the University of Paris being consulted upon it, fifty-nine of them were of opinion that the Catholics of England might take it with a safe conscience, without renouncing their faith. “The proposition, so far as it asserts, that princes may be deposed, being *materially*, that is in substance, heretical; and so far as it asserts that they may be murdered, being *formally*, that is expressly pronounced by the Church, heretical.” See Dr. Hooke’s *Religionis Naturalis, et Revelatæ Principia*, 3 vol. p. 581.—In the Oath proposed to the Catholics of Ireland, in 1775, the 3d Article runs as follows: “I further profess, that it is no part of my belief; nay, that I reject the opinion, that princes excommunicated by the Pope, or by the Pope and Council, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed, or put to death by their subjects, or by any other person whatsoever: and therefore I promise that I will not hold, maintain, or countenance that, or any other opinion contrary to the words of this Declaration.” The Sorbonne being consulted upon this Oath, gave their opinion, dated the 6th Nov. 1775, signed by all the Doctors. Upon the Article in question, they thus express themselves: “We likewise think, that the 3d Article may, and when occasion offers, ought to be sworn by the Catholics of Ireland: Let not, however, the word *Opinion*, whereby this Article denominates the King-killing and deposing Doctrine, be understood as implying any degree of kindness or indulgence for it. *Opinion* is the name generally given to those doctrines which Civilians, Philosophers, and Divines rank among the assertions merely probable, and that have no evidence to militate either for or against them. But the King-killing and deposing Doctrine is not of this kind. It is evidently bad; *heretical, because contrary to the Word of God: and heretical in both senses of the word; that is to say, materially and formally*: Materially, in as much as it superadds the lawfulness of putting them to death, agreeable to what was observed in the year 1680, by fifty-nine Doctors of the Faculty of Paris, who gave their opinion as above-mentioned, concerning a form of oath formerly prescribed in England by James the First.” See the Titular Archbishop of Cathell’s *Justification of the Tenets of the Catholic Religion*, Coghlan, 1787, page 145. We cite his Grace’s translation.

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We also understand, that it is objected, "That the Oath of 1778 is a complete Declaration of Allegiance; that Government ought to be satisfied with it; and that no further Declaration of our principles should be required of us."

To this we beg leave to answer, That the nation at large seemed to think that a more explicit Declaration of our Principles was on this occasion required from us, and our friends advised us to make it.

THESE we have the honour to inform you are the objections to the oath (so far as we have been able to collect them) and the answers to them. Did it contain any thing contrary to faith, or the word of God, there cannot be a question but it should be altered in every particular in which, upon this account, it were objectionable. But we beg leave to repeat, it contains nothing but a promise of that allegiance which every government has a right to claim from its subjects, and every subject owes the state under which he lives. Did it even contain any thing ambiguous, all its ambiguities should be set clear. But we find it contains no ambiguity. Every word has been repeatedly scrutinized by the first persons of this country. The consequence is, that in its present form it is universally acknowledged to be a complete and unequivocal Declaration of Allegiance, and a complete and unequivocal Protestation against the temporal power of the Church, against the Pope's temporal supremacy, and the right, either of the Pope, or of the Church, to absolve subjects from their allegiance, or to dispense with the civil or social duties of Man. But here, in the opinion of all public men, it ends. In their apprehension, it does not contain one syllable which, construed in the plain and obvious sense of the words, denies the spiritual authority of the Church, or the spiritual supremacy of the Pope. They do not think it varies in any respect from the Oath of 1778, except that in some instances, it *expresses* what, in their opinion, that Oath *implies*. Thus *IT IS NOT CONSIDERED BY THEM AS A PROFESSION OF FAITH; THEY CONSIDER IT MERELY AS A PROFESSION OF ALLEGIANCE AND A REJECTION OF OPINIONS IMPUTED TO US, WHICH IN THEIR POLITICAL OPERATION HAVE A TENDENCY TO INJURE THE STATE.* Against these we protest. But the partition between us and the established church, remains, and by them is known to remain as before.

At all events, this much is effected, that the nation will no longer consider us as dangerous or doubtful subjects. Our religious principles they may consider as erroneous, but our political opinions will no longer give them alarm. We know they are disposed to serve us. Our affairs have long engaged the attention of the public. Had there been any where a wish to injure us, it must have manifested itself long before the present day. But no symptom of this nature has appeared. On the contrary, we have received from every quarter the warmest promises of assistance and support.

UNDER these auspicious circumstances, our business has been brought forward. Our Petition (a transcript from the Declaration) is in both Houses of Parliament. We have delivered up the bill to the gentleman, who has undertaken to introduce it into the House. It must now be considered as in the hands of the Legislature. On their justice and humanity we rest our cause, and trust for its success.—We subjoin, after the heads of the intended Bill, a Copy of a Letter we have written to the four Vicars Apostolic.

With the greatest respect,

London.

My Lords and Gentlemen,

25th. November, 1789.

We have the honor to be

Your most obedient humble Servants,

CHARLES BERINGTON.

PETRE.

JOS. WILKES.

JOHN THROCKMORTON.

WILLIAM FERMOR.

JOHN TOWNELEY.

THOMAS HORNYOLD.

“ I, A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to Majesty
 “ And I do truly and sincerely acknowledge, profess, testify, and declare,
 “ in my conscience, before God and the world, that our Sovereign
 “ is lawful and rightful of this realm, and all other Majesty's dominions
 “ thereunto belonging: and I do solemnly and sincerely declare, that I do believe in my con-
 “ science, that not any of the descendants of the person who pretended to be Prince of
 “ Wales, during the life of the late King James the Second, and after his decease pretended to be,
 “ and took upon himself the style and title of King of England by the name of James the Third; or
 “ of Scotland by the name of James the Eighth, or the style and title of King of Great Britain, hath
 “ any right or title whatsoever to the Crown of this Realm, or any Dominions thereunto belonging;
 “ and I renounce, refuse, and abjure, any Allegiance or Obedience to any of them; and I do swear,
 “ that, I will bear Faith and true Allegiance to Majesty and will defend
 “ to the utmost of my power, against all traiterous conspiracies and attempts whatsoever,
 “ which shall be made against Person, Crown, or Dignity; and I will do my utmost
 “ endeavour to disclose and make known to Majesty and Successors,
 “ all Treasons and traiterous Conspiracies, which I shall know to be against and I do
 “ faithfully

" faithfully and fully promise, to the utmost of my power, to support, maintain, and defend the succession
 " of the Crown against the descendants of the said James, and against all other persons whatsoever;
 " which succession by an Act, intituled, *An Act for the further limitation of the Crown, and better*
 " *securing the rights and liberties of the subject*, is, and stands limited to the Princess Sophia, Electress,
 " and Duchess Dowager of Hanover, and the heirs of her body being Protestants: And I do swear,
 " that I do, from my heart, abhor, detest and abjure, as impious and heretical, that damnable doctrine
 " and position, that Princes excommunicated or deprived by the Pope, or any authority of the See of
 " Rome, may be deposed or murdered by their subjects, or any other persons whomsoever; and I do
 " protest and declare, and do solemnly swear it to be my most firm and sincere opinion, belief, and per-
 " suasion, That neither the Pope, nor any General Council, nor any Priest, nor any Ecclesiastical Power
 " whatsoever, can absolve the subjects of this Realm, or any of them, from their Allegiance to
 " said Majesty; and that no foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to
 " have, any Civil Jurisdiction or Authority whatsoever within this Realm, or any Spiritual Authority,
 " Power, or Jurisdiction whatsoever within this Realm, that can, directly or indirectly, affect or
 " interfere with, the Independence, Sovereignty, Laws or Constitution of this Kingdom, or with
 " the Civil or Ecclesiastical Government thereof, as by Law established, or with the Rights,
 " Liberties, Persons, or Properties of the Subjects thereof; And that no person can be absolved from
 " any sin, nor any sin whatever be forgiven at the pleasure of any Pope, or of any Priest, or of any
 " Person whomsoever; And that no breach of faith with, or injury to, or hostility against, any
 " Person whomsoever, can ever be justified, by Reason, or under pretence that such Person is an
 " Heretic or an Infidel; And that neither the Pope, nor any Prelate, nor any Priest, nor any
 " Assembly of Prelates or Priests, nor any Ecclesiastical Power whatever, can, at any time, dispense
 " with, or absolve me from the obligations of this Oath, or of any other Oath, or of any
 " Compact whatsoever; And I do also in my conscience declare and solemnly swear, that I acknow-
 " ledge no infallibility in the Pope; and all these things I do plainly and sincerely declare, acknow-
 " ledge, and swear, according to these express words by me spoken, and according to the plain and
 " ordinary sense of the same words, without any equivocation, mental evasion, or secret reservation
 " whatsoever; and I do make the aforesaid Protestation, Declaration, Recognition, Acknowledgment,
 " Abjuration, Renunciation, Promise and Oath, heartily, willingly and truly, upon the true faith of
 " a Christian. So help me God."

And it is then enacted, That every Person who shall take and subscribe the Oath of Allegiance and Abju-
 ration, and of Protestation and Declaration, therein before appointed to be taken and subscribed, shall thenceforth
 be deemed and taken in law to be a " *Protesting Catholic Dissenter*;" And that, none of the Laws now in
 force against or concerning Papists, or Persons professing the Popish Religion;—Or against or concerning Popish
 Recusants;—Or against or concerning Popish Recusants Convict;—Or against or concerning Persons edu-
 cated in the Popish Religion;—Or against or concerning Persons reconciled to, or holding Communion with
 the See of Rome;—Or against or concerning Popish Bishops, Priests or Deacons; or Persons entering into or
 belonging to any Ecclesiastical Order or Community of the Church of Rome;—Or against or concerning Persons
 hearing or saying Mass; or being present at, or conforming to, or performing any Rite, Ceremony, Practice or
 Observance, of the Church of Rome;—Or against or concerning persons not resorting or repairing to his or her
 Parish Church or Chapel, or some other usual place of Common-Prayer, to hear divine service, and join in publick
 worship, according to the forms and rites of the Church of England, as by law established;—Or against or
 concerning Persons keeping or having any servant, or other Person, being a Papist or reputed Papist, or Person
 professing the Popish Religion, who shall not so resort, or repair to his or her Parish Church or Chapel, or some
 such other usual place of Common Prayer as aforesaid;—Or against or concerning Persons not taking and sub-
 scribing the Oath commonly called the Oath of Supremacy, or the Declaration commonly called the Decla-
 ration against Transubstantiation; or the Declaration, commonly called the Declaration against Transubstantiation
 and Invocation of Saints;—Nor any Law requiring the Registry of the Names and real Estates, or Enrolment
 of the Deeds and Wills of Popish Recusants or Papists, or Persons educated in the Popish Religion, or whose
 Parent or Parents shall be a Papist or Papists, or who shall use or profess the Popish Religion;—Shall extend,
 or be construed to extend, to any such *Protesting Catholick Dissenter*, who shall have taken and subscribed such
 Oath of Allegiance and Abjuration, and of Protestation and Declaration, as aforesaid; and in all cases where
 Persons are required to take and subscribe the Oaths commonly called the Oath of Allegiance, the Oath of
 Abjuration, and the Oath of Supremacy;—Or the Declaration commonly called the Declaration against
 Transubstantiation, or the Declaration commonly called the Declaration against Transubstantiation and In-
 vocation of Saints;—Any such *Protesting Catholick Dissenter* as aforesaid shall and may, at his or her election,
 take and subscribe, in place of the same, the Oath of Allegiance and Abjuration, and of Protestation and De-
 claration herein before mentioned and appointed to be taken as aforesaid;—And such last-mentioned Oath of
 Allegiance and Abjuration, and of Protestation and Declaration, may and shall also be administered and taken
 before the same persons, and in the same manner, and shall give the same Benefits and Advantages, and
 shall operate to and for all the same Intents and Purposes whatsoever, (save as is herein after excepted and
 provided) as the aforesaid Oaths commonly called the Oaths of Allegiance, Abjuration and Supremacy, or the
 aforesaid

aforesaid Declaration against Transubstantiation, or the aforesaid Declaration against Transubstantiation and Invocation of Saints, in the room of which it is intended to be hereby substituted.

Provifo, for certifying and registering the Places of Worship and Ministers of Protefting Catholick Diffenters.

Provifo, that no Affembly for religious Worship of Protefting Catholick Diffenters fhall be had with the Doors locked, barred or bolted.

Provifo, for enabling Protefting Catholick Diffenters to exercife Parochial or Ward Offices, by Deputy.

Provifo, to exempt Protefting Catholick Priests from ferving upon Juries and on Parochial or Ward Offices.

Provifo, to enable Juftices of Peace to tender the Oath prefcribed by the Act to any Perfon going to any Place of Affembly licensed by the Act.

Provifo, that the Laws in Force for frequenting of Divine Service on the Lord's Day, fhall continue in Force againft Offenders, unlefs they come to fome Congregation or Affembly permitted by the Act, or by the Act of Toleration.

Provifo, that the Act fhall not extend to Perfons writing againft the Trinity.

Provifo, that no Benefit in the Act fhall extend to any Diffenting Catholick Ecclefiastick officiating in any place of Congregation with a Steeple or Bell, or who fhall exercife any of the Ceremonies of his Religion, or wear the Habits of his Order, except within fome Place of Congregation licensed by the Act, or in a private Houfe.

Provifo, That nothing therein contained fhall be conftrued to exempt any fuch Protefting Catholick Diffenter, as aforesaid, from paying Tythes or other parochial Duties, or any other Duties to the Church or Minifter; or from any Profecution, in any Ecclefiastical Court, or elfewhere, for the fame; or to repeal any part of the Statute made in the 26th Year of the Reign of his late Majefty King George the Second, intituled "An Act for the better preventing of Clandeftine Marriages" or any parts of any other Statute concerning Marriages; or to give any Eafe, Benefit, or Advantage to any Perfon, who fhall by preaching, teaching, or writing, deny or gainfay the Oath of Allegiance and Abjuration, and of Proteftation and Declaration, therein before mentioned, and appointed to be taken as aforesaid, or the Declarations or Doctrines therein contained, or any of them; or to repeal or affect any Law now in Force concerning the Right, or Succeffion to, or the Limitation of the Crown; or concerning the Election of any Member or Members to ferve in Parliament, or to enable any Perfon to fit in either Houfe of Parliament, or to be of his Majefty's moft honourable Privy Council; or to hold, enjoy, or exercife any Office, Civil or Military, unlefs duly qualified in the manner now required by Law; or to educate any Child a Papift, or any Child of Proteftant Parents, a Protefting Catholick Diffenter.

Provifo, That nothing in the Act contained fhall make it lawful to found, endow, or eftablifh, any religious Order or Society of Perfons, bound by monaftic or religious Vows, within this Realm, or the Dominions thereunto belonging; and that all Ufes, Trufts and Difpofitions, whether of real or perfonal Property, which immediately before the paffing of the Act fhall have been deemed to be fuperftitious or unlawful, fhall continue to be fo deemed and taken.

Provifo, That nothing in the Act contained fhall extend, or be conftrued to extend, to that part of Great Britain, called Scotland.

A COPY of a LETTER, written by the COMMITTEE of ENGLISH CATHOLICS to the FOUR APOSTOLIC VICARS.

MY LORDS,

AT a Meeting of the CATHOLIC COMMITTEE, held on the 19th of November 1789, We took into Consideration an Encyclical Letter, which you have been pleased to address to us and to all the Faithful in your four districts, and we now offer, with the greatest deference, to your Lordships the result of our deliberations.

CONSCIOUS, that we never had any other object in view than to procure for the English Catholics, who have honored us with their trust, a release from the numberless grievances, under which they have so long and so unjustly laboured.—We cannot but lament our misfortune in having incurred the disapprobation of them, who from their station in this country are the natural Guardians of the Catholic Religion.

SOME misconception, we apprehend, must have taken place; and, this misconception once rectified, we still entertain the flattering hope, that your Lordships, far from raising any impediment to obstruct, will heartily grant us your concurrence to accelerate, the success of our well meant endeavours in serving the common interests of the Catholic body.

WE doubt not, but that your Lordships have used *mature deliberation and previous discussions*:—We cannot however forbear expressing our regret, that none of those persons, who have been concerned in promoting and conducting this business of general utility, were called in by your Lordships to explain their sentiments, and give that information, which probably would have prevented any necessity of issuing a public censure.

YOUR Lordships have unanimously condemned the form of an Oath intended for the Catholics,—yet we beg leave to represent, that this very form was, not many months since, sanctioned with the approbation of one of the four Apostolical Vicars, who, as a Member of the Committee, has all along been consulted, and without whose concurrence not one step has ever been taken.

IN condemning the form of the Oath, your Lordships have not condescended to point out what particular parts you judge to be reprehensible,—and as the Oath contains no formula of faith, or declaration of religious doctrines, we are at a loss to discover what can make it an object of ecclesiastical censure.

YOU have declared the form of the Oath unlawful to be taken:—but as your Lordships decline to specify, for what reasons or through what motives it is unlawful, we are bewildered in conjecturing why we should be restrained from giving to our country a solemn pledge of our principles as men and as citizens.

FOR, my Lords, what is the form of the intended Oath? It is no profession of the peculiar doctrines, which the Catholic Church teaches in opposition to those Churches, who have separated from her Communion; it is only a declaration of the innocence of our principles in social and civil concerns. Our faith is not brought forward in this Oath; the rights of conscience are not even considered; religion is not mingled with concerns of a mere temporal nature: all we are required to swear, is, that we maintain no tenets, which can hinder us from faithfully discharging the duties of honest men and of peaceable subjects.

IN the beginning of the present year, we followed the example of your Lordships, in subscribing a public renunciation of those odious and pernicious doctrines, which the injustice of prejudice has so long imputed to us with equal violence

violence and falsehood: doctrines, which, if we really held them, would render us, (as our misinformed Adversaries have constantly represented us to be,)—unworthy of civil liberty and the protection of the state.—We rejoiced in an opportunity to remove effectually every inveterate prejudice, and to place our integrity beyond the reach of obloquy and suspicion. The body of the English Catholics concurred; an instrument was generally signed, and presented to both Houses of Parliament, as the pledge of our honor, and the public monument of our uprightness. From this we cannot recede without prevarication.

THE solemnity of an official Oath can add nothing to the obligation of a deliberate and public protestation; and the only utility in subscribing a protestation against imputed errors was obviously to serve as a basis for a future plan to procure redress from those grievances, which nothing but the accusation of holding pernicious doctrines had brought upon our body. The oath therefore followed the protestation as a thing of course, and since it does not in any one particular deviate essentially from the protestation, it consequently forms one and the same instrument,—and as this instrument has been publickly delivered before the eyes of the nation into the hands of the Legislature, any appearance of departing from it might be justly construed as a proof of unfair dealing, and would, of course, confirm those prejudices, we have so long and so anxiously studied to remove from the minds of our Countrymen. English Catholics would labour more than ever under national odium, and our late proceedings would be held out as a demonstration, that Catholics cannot in truth give security to a Protestant Government.

MY LORDS, in the concerns of salvation we reverence the Episcopal authority, and we have not the presumption to intrude ourselves into the decision of religious controversies: but while we respect that Authority, which the gospel of Heaven has empowered its Ministers to exercise, we cannot but recollect, that we are men and citizens, and as such have rights to claim and duties to perform. If we sacrificed our faith to our temporal interests, we should be unworthy of the Communion of Christ's Church; but we conceive it to be a duty incumbent upon us to renounce all those pernicious doctrines, which are falsely imputed to us, which make our Religion odious, which prejudice our fame, and which debar us from the enjoyment of our temporal rights. As often as unjust charges are brought against us, we owe it to truth, to candour, to ourselves, to the public, to disavow and repel those charges. If the Government of our Country call upon us to ratify our disavowal by an Oath, we esteem ourselves authorised, and indeed bound, to give this most solemn attestation of our sincerity. *IN SATISFYING THE MINDS OF THE PREJUDICED,—IN PROVING OUR UPRIGHTNESS TO THE LEGISLATURE,—IN CLEARING OUR RELIGION FROM DISGRACEFUL ASPERSIONS,—IN ATTEMPTING, BY HONEST MEANS, TO RECOVER THOSE TEMPORAL ADVANTAGES, FROM WHICH NOTHING BUT MISREPRESENTATION HAS EXCLUDED US;—IN DOING THIS, MY LORDS, WE ARE PERSUADED THERE CAN BE NO ENCROACHMENT UPON THE PASTORAL AUTHORITY, AND AS OFTEN AS OPPORTUNITIES OFFER OF DOING IT WITH SUCCESS, WE CANNOT REFRAIN BELIEVING YOUR LORDSHIPS WILL COUNTENANCE OUR ENDEAVOURS.*

*YOU require, my Lords, our submission to your determinations;—*but we intreat you to consider again whether there be any solid grounds of condemnation, whether every motive of conscience and honor do not oblige us to abide by what we have already done as a body, whether the form of the intended Oath contains any thing more than a pledge of our social and civil principles, whether it may not be taken in perfect consistency with the most entire and unfeigned belief of every doctrine of the Catholic Church.

MY LORDS, it is not without pain and sorrow we recollect, that if the Catholics of England have often been oppressed and punished for a conscientious adherence to the faith of their Church, they have sometimes also suffered from an imprudent interference of ecclesiastical authority in civil concerns. The Divine Author of our Religion declared, *his kingdom is not of this world*;—and, while he directed the views of his followers towards an everlasting settlement, he left them under the obligation of discharging every duty, which their social and political combinations might impose.

BORN to fulfill all righteousness, Jesus Christ, besides performing the work of his Father in the salvation of souls, set an example of complete obedience to the established Government of his country. *As a Jew*, he complied with the law of Moses; *as a Roman*, he complied with the edicts of the Emperor. He strongly marked the line, which divides civil from religious duties, and bade his followers *give to Cæsar what belongs to Cæsar, and to God what belongs to God*. His religion soon spread, and the state adopted it. From this alliance temporal and spiritual concerns were insensibly mingled; a perplexing confusion often ensued; and in many cases, when the two powers stood in opposition, it became difficult, and to simple minds, impossible, to reconcile their duty to Cæsar with their duty to God. One memorable instance our present circumstances prompt us to bring to your Lordships recollection.

AFTER the infernal horrors of the Gun-powder treason, James I. was strongly excited, by the clamours of a terrified nation, to exterminate the race of English Catholics. But James was tolerant and just. He declared, he would never confound the innocent multitude with the guilty few; and in order to pacify an enraged people, and shelter from destruction the devoted victims, he drew up himself a test, by which he might discriminate the loyal and conscientious Catholic from the dangerous bigot, who was actuated by fanatic zeal, or driven from his duty by the predominancy of foreign politics. He proposed an Oath of Allegiance, and with elaborate care, and the nicest exactness, separated spiritual from temporal concerns. He left to conscience all its rights in matters of salvation, and

and only required a solemn protestation of fidelity to the Government of the state. His Catholic subjects presented themselves with ardor to give their pledge of fealty, exulting in an opportunity to reconcile at length their political and their religious obligations.

Their joy was short. Paul V. who then sat in the Papal Chair, fulminated a condemnation of this political Oath. He declared it inconsistent with faith and hostile to salvation. The extravagance of Paul's condemnation raised amazement, and his brief was treated by the English Catholics as spurious. But they were not long permitted to indulge their error. Another, and another brief succeeded to confirm the first; and, by some unaccountable blunder, the illustrious Bellarmine, employed to justify by his writings the decision of the Pope, confounded an Oath of political Allegiance, with the Oath against acknowledging any spiritual primacy in the Successor of St. Peter.

We need not re-trace to your Lordships the dismal consequences of this precipitate condemnation. It scandalized foreign Catholics, it fomented divisions among the Catholics at home, it frightened from their loyalty the scrupulous and un-informed, it converted dutifulness to the state into refractoriness against the Church,—And, what we English Catholics have still, at this very day, to lament, it has left an almost indelible impression on the minds of Protestants, that it is a meritorious and necessary part of a Catholic's submission to be guided implicitly by his ecclesiastical Superiors, even in concerns avowedly of a temporal nature.

MY LORDS, to this imprudent interference of Paul V. English Catholics may ascribe in a great measure, all the odium and all the oppression under which they have since groaned. We beg leave to recite the words of condemnation. No particular parts in the Oath are singled out as exceptionable, the whole is reprobated in the following terms. “*Satis vobis ex verbis ipsis perspicuum esse debet, quod hujusmodi juramentum, salva fide Catholica & salute animarum vestrarum præstari non potest, cum multa contineat quæ fidei atque salutis apertè adversantur. Propterea monemus vos, ut ab hoc & similibus juramentis præstandis omnino caveatis.*”

The last words are remarkable. It was not enough for the vehemence of Paul V. to deter the English Catholic^s from giving the particular pledge required, he would bind them down from ever giving an equivalent one. And yet, my Lords, what avail the commands of authority, when it mistakes its object and exceeds its just limitation? A supreme Pontiff, at a period when the rage of controversy confounded earthly with heavenly things, menaced to shut the gates of Heaven against those, who studied to promote good order upon earth:—but in a calmer age Apostolical Vicars disavowed, by their exemplary conduct, the violence of former times, and grasped with eagerness an opportunity of taking that very oath, which had been reprobated as openly adverse to faith and salvation. *The Oath condemned by Paul V. with the exception of the word heretical, has been taken by your Lordships*, and this very Oath, once the cause of so many dissensions, and so much unhappiness, is now recommended by your Lordships as the ground-work of our future proceedings.

This brings us, my Lords, to a consideration of the Letter, which the senior Apostolical Vicar sent in your name to four members of the Catholic Committee. Your Lordships ask, “*May it not be more prudent to drop at present any further pursuit of the measures, which have been begun?*” For numberless reasons, my Lords, that pursuit cannot be dropped. Our business has proceeded too far, it has been laid before the Public, it has already engaged the attention of the Legislature, every circumstance seems to promise it success, and if the Catholics of England lose the approaching opportunity of recovering their civil and religious rights, it is probable they will ever after look in vain for their emancipation.

THAT the Oath of 1778 is a very sufficient test of our Allegiance to the King, and Fidelity to Government, we entirely agree with your Lordships; but that it will satisfy at present, when a more ample toleration is applied for, we have not the slightest reason to expect.

WHEN a partial Indulgence was granted in 1778, your Lordships recollect what clamours and disturbances it raised. Deluded by hereditary prejudices, and long habituated to mistake and execrate our principles, the most violent among our Protestant fellow-subjects set no bounds to their hatred. They repeated ancient accusations, they insisted upon our holding pernicious doctrines, they defied us to disprove the charge by a public disavowal of the imputed tenets, they held us out as dangerous enemies to every Protestant Government, and branded us with holding principles irreconcilable with social honesty and civil freedom. If at present the Legislature should extend its indulgence, unless these inveterate prejudices are removed, might we not dread a return of that uproar and confusion, which convulsed the nation in 1780? The animosities therefore of a numerous party were to be previously allayed. For this purpose the Protestation and the subsequent Oath were framed. Already they appear to have answered the intended purpose; many, who avowed themselves our adversaries, are become cordial in our support; we are reinstated in their good opinion as Men and Citizens; they behold our Religion without detestation; and they will see us with pleasure admitted into the participation of rights, from which nothing has excluded us, but the national persuasion, that we held these pernicious doctrines.

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THE Protestation and subsequent Oath were therefore an indispensable addition to the Oath of 1778. This Protestation, my Lords, is the only instrument to give success to our application, and if it is so salutary in its effects, what objection can Catholics have to receive from the Legislature a name grounded upon it, and expressive of their situation in this country? The preamble of the Bill so unequivocally determines for what reasons we are to be called *Protesting Catholic Dissenters*, that it is impossible any mistake should be committed, or any offence be taken. Can foreign Catholics be dis-edified, because we protest against pernicious doctrines falsely imputed to the Catholic Church? But foreign Catholics themselves abhor these pernicious doctrines; Catholic Universities condemn them with zeal and severity; and as to the words *protest* and *Protestation*, they are not unfamiliar to English Catholics. In the admired account of Roman Catholic Principles, which was drawn up in the reign of Charles II. are these forcible expressions:—*We abhor, we renounce, we abominate such principles; we PROTEST against them, and seal our PROTESTATION with our dying breaths.*

HITHERTO, my Lords, the Catholics of this Country have been described in all public Acts by the appellation of *Papists* or *Popish Recusants*, an appellation adopted and continued as a stigma of opprobrium, purposely designed to mark out the Communicants with the See of Rome as persons attached to pernicious doctrines and involved in dangerous connections; an appellation in short never given by a Protestant without contempt and rancour, never heard by a Catholic without humiliation and abhorrence. Can Catholics then feel any reluctance in resigning an opprobrious nick-name? and since a *Papist* in the Acts of the Legislature, and in the acceptance of the people, invariably means a person, who holds pernicious doctrines,—what Catholic can sigh for the privilege of educating his child a *Papist*? He will be at full liberty to instil into the minds of his children the sound doctrines of Catholicity, and his Protestant neighbour will no longer upbraid him with depraving their young minds with early lessons of dishonesty sanctioned by pretensions of religious zeal.

THERE are two other clauses in the Bill, which your Lordships wish to have suppressed, that of *not educating any Child of protestant parents a protesting Catholic Dissenter*, and that of *uses, trusts, and dispositions of property* remaining as they were before the Bill. We beg leave to remind your Lordships, that these are not new clauses now first brought forward, they are of ancient standing; the Legislature deems it prudent to reserve them; they are not of our contrivance; nor do they imply our acquiescence in their justice or propriety;—but shall we refuse an exemption from numberless grievous statutes, because the Legislature does not as yet judge it expedient to gratify our every wish? As to these particulars we shall not be worse than we are at present,—in every other case of exemption we shall be infinitely better. The first clause is to prevent improper Arts in seducing children before they have attained to maturity of reason: a practice, which has been often imputed to Catholics, and has been violently complained of, (though without any *grounds of truth*,) as extremely common, since the indulgence of 1778. To be reconciled to the Church of Rome will no longer be criminal, when the party is of an age to determine his choice of religion by conscientious motives.—As to the other clause it is a standing Law, which affects Protestant Dissenters as well as ourselves, and our present object of pursuit is only to be placed on a level with Protestant Dissenters. Beyond them we cannot expect to be favored; but if ever they accomplish their purpose of recovering every civil and religious right, we have no reason to dread an exclusion from the same advantage.

My Lords, we have laid, with respect, our views and proceedings before you. The Protestation, the Petition, the state of the Case, the Bill, uniformly rest on the single principle, that the English Catholics reject any pernicious doctrine imputed to them, and while they claim the right of following their conscience in religious matters, can give to Government and the Nation every security of being honest men and peaceable subjects. Upon this single principle we look, with wellgrounded hopes, for relief, and have a firm reliance that your Lordships will co-operate with us in effectuating so desirable a purpose.

We have the honour to be,

with the greatest respect,

Your Lordships

Most obedient humble Servants,

Signed,

PETRE.

CHAR. BERINGTON.

JOHN THROCKMORTON.

JOS. WILKES.

WILLIAM FERMOR.

JOHN TOWNELEY.

THOMAS HORNOLD.

Copy To THE FOUR VICARS APOSTOLICA.

The first of the two papers is a letter from the
author to the editor of the journal, in which he
states that he has received the manuscript of the
paper and that he is pleased to see it. He also
mentions that he has received the manuscript of the
paper and that he is pleased to see it.

The second paper is a letter from the editor of the
journal to the author, in which he states that he
has received the manuscript of the paper and that
he is pleased to see it. He also mentions that he
has received the manuscript of the paper and that
he is pleased to see it.

The third paper is a letter from the author to the
editor of the journal, in which he states that he
has received the manuscript of the paper and that
he is pleased to see it. He also mentions that he
has received the manuscript of the paper and that
he is pleased to see it.

The fourth paper is a letter from the editor of the
journal to the author, in which he states that he
has received the manuscript of the paper and that
he is pleased to see it. He also mentions that he
has received the manuscript of the paper and that
he is pleased to see it.

The fifth paper is a letter from the author to the
editor of the journal, in which he states that he
has received the manuscript of the paper and that
he is pleased to see it. He also mentions that he
has received the manuscript of the paper and that
he is pleased to see it.

The sixth paper is a letter from the editor of the
journal to the author, in which he states that he
has received the manuscript of the paper and that
he is pleased to see it. He also mentions that he
has received the manuscript of the paper and that
he is pleased to see it.

AT the bottom of the 7th Page of the CIRCULAR LETTER of the CATHOLIC COMMITTEE to the ENGLISH CATHOLICS, there is a translation of an Opinion of the University of Sorbonne,—which translation is copied *verbatim* from the translation printed of it, by the titular Archbishop of Cashell, in his Justification of the tenets of the Catholic Religion.—On comparing it with the Original, the translation appears defective. The Passage being important to the argument, which it is brought to illustrate, it has been thought adviseable to send you the Original, and a new translation of it.

O R I G I N A L.

DOCTRINA autem de cæde & depositione Principum, nequaquam probabilibus sententiis annumeranda est: cum in duplex vitium incurrat: ut nempe sit Hæretica *materialiter*, id est, verbo Dei contraria, quatenus deponi posse principem effert; *formaliter* vero etiam, quatenus & occidi posse superaddit.

T R A N S L A T I O N.

BUT the king-killing and deposing doctrine, is not to be classed among Opinions merely probable. Upon two accounts it is bad.—It is *materially* heretical, i. e. *contrary to the word of God*, so far as it asserts the lawfulness of deposing Princes;—it is moreover *formally* heretical, so far as it superadds the lawfulness of putting them to death.

О И С И Н О

Х О И Т А И З И А Я Т

Rev^d Mr Parker

Beilage

2.

TO THE RIGHT REVEREND FATHER IN GOD,

J O H N, B I S H O P O F C E N T U R I A,

VICAR APOSTOLIC of the SOUTHERN DISTRICT of ENGLAND;

MY LORD.

WE have seen an ENCYCLICAL LETTER of the 19th day of last month signed by your Lordship, and the Apostolic Vicars of the Western and Northern Districts of England; we understand, it was publicly read from the Altar, in the Catholic Chapels in Moorfields and the Borough; * and that, applications were made to have it read in the same public manner in the Chapels of some of the Foreign Ministers.

It contains a censure of the Oath, published in the heads of the bill for the relief of Protestant Catholic Dissenters, even with the alterations supposed by your Lordships to have been made in it, since that censure was past,—and a censure of our proceedings respecting it.

Permit us, my Lord, with the greatest deference and respect, to assure your Lordship, that your Encyclical Letter makes it evident to us, that your Lordships totally mistake the nature and operation of the bill in question, and have been totally misinformed of our proceedings.

Your Lordships seem to suppose, the Oath originated with the Committee: that, the appellation of protesting Catholic Dissenters is solicited by us; and that the three provisos, referred to by your Lordships letter, have the force of new laws, imposing penalties on Catholics to which they are not now subject; and that those provisos were inserted by our requisition. Your Lordships also seem to insinuate, that, we assume a right to determine

* The Committee have since been informed, that, the Encyclical Letter was not read in the Chapel in the Borough. But it was publicly read in the Chapel in Moorfields: It was also publicly read in the Chapel of the School at Brook-Green, Hammer-smith.

on the lawfulness of oaths, declarations, or other instruments, containing doctrinal matters.

We beg leave to assure your Lordship, that, nothing of this is true. We hoped our former letters to the English Catholics and the Vicars Apostolic, had removed all misconceptions on these heads.—But as we find, by your Lordship's Encyclical Letter, this has not been the case, we shall now trouble your Lordship with a further explanation of our conduct.

AS TO THE OATH'S ORIGINATING WITH US:

By the minutes of the Committee of the 19th of April 1788, your Lordship will find, that, our Secretary was then directed to prepare a draft of a bill, for the relief of the laws against the Catholics; and in our minutes of the 17th of the following December, he stated to the Committee, that, he had prepared a bill for Parliament, consisting of various clauses, which, if they all passed, would, in his opinion, place the English Catholics on a footing with the English Protestant Dissenters.

We send your Lordship an exact copy of this bill.—And this, my Lords, is the bill of the Committee. Your Lordship will find it contains no new oath; no appellation of protesting Catholic Dissenters; none of the provisoes. It recites the acts imposing the penalties and disabilities peculiar to Catholics; the oath of 1778; and exempts from those penalties and disabilities, the Catholics who had taken, or should thereafter take, the oath of 1778. This, my Lord, we repeat, is the bill of the Committee. Whatever deviations or alterations appear to have been made from this; none of them were devised or even thought of, by the Committee. All originated with others, and were received by us, not by choice, but necessity. Against many of them we have strove with the greatest earnestness and anxiety; and if we have at last acquiesced in them, it has been from a thorough conviction, that, all our hopes of relief depended upon our acquiescence.

To explain this further to your Lordship, we shall lay before you, a succinct narrative of the Protestation and the Oath.

By an unanimous resolution of a General Meeting of the English Catholics, on the 15th of May 1788, we were instructed to make an application to Parliament, for their relief, early in the next Sessions of Parliament.

The Protestation was received by a member of the Committee in the month of November 1788. The rank and situation of the person who proposed it, and several other circumstances, (with a detail of which it is unnecessary to trouble your Lordship,) made it absolutely necessary for us to enquire, whether the Catholics would or would not sign it. The member of the Committee, who received it, transmitted it, immediately, to the Secretary of the Committee, with directions to forward it immediately to the Vicars Apostolic, and request their opinion on the lawfulness of signing it. This was done;

*might they to
have acquiesced
without consulting
the Bishops? and
might they to
have persisted
notwithstanding
the prohibition?*

done; but neither in the letter sent to the Secretary with the Protestation, nor in the letters written by him to the Vicars Apostolic, was there any thing said, or even intimated, respecting the lawfulness of it.

Your Lordship will find by our minutes, of the 17th December 1788, that, our Secretary then laid before us, the letters of the Vicar Apostolic of the Western District, and acquainted us with the sentiments of the late Vicar Apostolic of the London District upon the Protestation: That Mr. Berington informed us of the sentiments of the Vicar Apostolic of the Middle District upon it;—that, in consequence of this, the Protestation was altered by the Nobleman from whom we received it, and again directed to be transmitted to the Vicars Apostolic. It was afterwards signed by the Vicars Apostolic of the London, the Middle, and the Western Districts.—The late Vicar of the Northern District, in his answer, which we have now before us, testified his disapprobation of it, but without assigning any reason, and concluded by saying, that, “If it met the approbation of the other Vicars, he was very willing to state to them, his reasons for dissenting, when requested.” This, your Lordship must see, was certainly disclaiming, very pointedly, all further correspondence with us, upon the subject. However, a very short time afterwards he declared he should not oppose any persons signing it in his district; and a very short time after that, he authorized the late Vicar Apostolic of the London District, if necessary, to sign it for him.

Thus, your Lordships see the extreme deference and attention, which, throughout the whole course of this business, we have paid to the Apostolic Vicars. We never assumed to approve or disapprove of it, as far as related to doctrines. On receipt of the Protestation, we transmitted it to the Apostolic Vicars, and till they had not only approved it, but themselves signed it, or declared they should give no opposition to the signing of it, by the faithful of their respective districts, we neither signed it ourselves, nor proposed it to be signed by others.

All the Apostolic Vicars and their Coadjutors signed the Protestation; and, with few exceptions indeed, it was signed by all the Clergy, and by all the Laity of any consequence in the kingdom of England.

The signing of the Protestation was attended with the most salutary effects. So full, explicit, and unequivocal a declaration, from the whole body of the Catholics, of the integrity of their civil and political principles, had not appeared since the Reformation. It was a subject of national congratulation. Prejudices against them rapidly subsided, and as men and citizens, we found ourselves beginning to be restored to the confidence and affection of the public.

Struck with the happy prospect of the revolution, which the signing of the Protestation produced on the minds of the public, persons in power, who interested themselves in the behalf of the Catholics, thought it expedient, and required from us, that the Protestation should be altered to the form of an Oath, and substituted in the Bill, in lieu of the Oath of 1778. The business pressed; and the late Vicar of the London District declared himself

competent

competent to pronounce upon it. The four Vicars and all their Coadjutors, and their Clergy had signed the Protestation, a solemn instrument, avowedly framed to be presented to the Legislature, and published to the nation. To an instrument of this solemnity what was wanting, but the form, to give it the essence, of an oath. In the face of God and the nation the Apostolic Vicars had signed it, could they have an objection to call God to witness a repetition of their signatures? This was all they would do when tendered to them as an Oath.

But what was in the power of the Committee they did.

Your Lordships will find by the minute of the 15th May, 1788, that it was resolved at the General Meeting of the Catholics on that day, that three Gentlemen of the Clergy should be chosen by the Meeting, to be added to the Committee to be balloted for immediately; that a ballot was immediately had; and that upon the ballot the numbers appeared to be in favour of the late Vicar Apostolic of the London District, Mr. Berington, and Mr. Wilks; from that time they were incorporated into the Committee and attended the meetings: they were of course informed of the proposal, to alter the Protestation to an Oath, and they saw no objection to it.

To this proposal the Committee therefore acceded:—this made it necessary to alter the Draft of the Bill, and it was altered accordingly. The Draft No. 2, of which we send a copy to your Lordship, is, except in those parts of it which are written in red ink, a copy of it in its altered form.

Thus altered, the Act was again shewn to some leading Members of Administration. It was taken to them by the Gentleman whose office it was to prepare the public Acts of Parliament. By them it was once more altered. They told the Gentleman, through whom the Bill was transmitted to them, that an uniformity of Oaths throughout the kingdom was absolutely necessary; that the religious scruples of the Catholics made them refuse part of the Oath of Supremacy; but as they could have no religious objections, either to the other parts of the Oath of Supremacy, or to any part of the Oath of Allegiance, or the Oath of Abjuration; they required, that the whole of the Oaths of Allegiance and Abjuration, and as much of the Oath of Supremacy as Catholics do not think contrary to faith, should be inserted in the Oath to be taken by them. A more explicit avowal, also seemed to them necessary, of our resolution not to disturb the Ecclesiastical Establishment of the kingdom. Some words therefore they inserted for that purpose. Upon this requisition the Gentleman in question made the alterations, in red ink in the draft of the Bill, No. 2. Previously to that, he had, upon the requisition of a person, whom he said it was essential to satisfy, inserted the clause, written in black ink, on the back of the last page but one.

Thus the Bill was altered a second time. Your Lordships will find by our Minutes of the 26th June, 1789, that it was then returned to us, with a declaration from the Gentleman holding the official situation above-mentioned, (and also by the very respectable Gentleman who has undertaken to move our Bill in the House of Commons) that it came, as
nearly

nearly as possible to the ideas of the high personages therein mentioned, consistently with the principles of Catholics.

Here then, for the moment, was the ultimatum of Government. We conferred upon it with the three ecclesiastical Members of the Committee. Your Lordship will find, by the Minutes of the 19th of November 1789, that they all approved of it; and in particular the late Vicar Apostolic of the London District kept it by him for two days, and then returned it to the Committee, with a verbal declaration, that he saw in it nothing contrary to faith or good morals. We can assure your Lordship, that, his expressions were even stronger than the account inserted of them in the Minutes we have the honor to send you. The Committee recollected he added, that, he saw nothing in the Oath, that a Catholic might not safely take.

Here, my Lord, let us pause. The Protestation was sanctioned by all the Apostolic Vicars; but originated with a stranger: the Oath was the work of Government: the Bill was framed by them: all has been imposed on us, we have given in nothing:—yet this giving in is the first charge brought against us, by your Lordship's Encyclical Letter.

In the following October, the Vicars Apostolic published the first Encyclical Letter. Without assigning one reason, without even pointing out one exceptionable passage, the Oath was, by that Letter, declared to be unlawful, and our submission to the mandate was required.

Thus, this Oath, which, upon the requisition of government, and, with the most explicit sanction of our Bishop, we had signified to be admissible; an Oath, which, in its effects and tendency, is a mere profession of temporal allegiance, and repetition of that protestation, which all the Vicars with their co-adjutors and clergy, had signed but a few months before, that every Oath, my Lord, was pronounced altogether unlawful; and the Vicar Apostolic of the Western district, by his printed letter of the 24th of December, 1789, accused us of an attempt to injure religion; and the Vicar Apostolic of the Northern district, in his Pastoral Letter, talked of our infernal stratagems.

In allowing the admissibility of the Oath, we might, my Lord, be mistaken. If we were, it was in common with our late venerable pastor, the Vicar Apostolic of the London district; with many clergymen of the most exemplary lives, of the most distinguished learning and piety, whose eloquence and writings are at once, the support and the ornament of the remains of English catholicity. Yet, even these might err. But in what could be founded the atrocious charge of an attempt to injure religion? Or the atrocious imputation of infernal stratagems? This remains for your Lordships to explain. It was not in our attention to submit the protestation, as soon as received, to the Vicars Apostolic. In our forbearance from circulating it till we had their permission, in associating with us the late Vicar Apostolic of the London district; in advising with him on the Oath as finally settled; in following his example, in allowing its admissibility;—What more than this could have been expected from the most docile members of Christ's Church?

My Lord, in your Encyclical Letter of the 19th of last month, you have informed the Catholics of your district, that, the four Apostolic Vicars by their Encyclical Letter, dated October 21st, 1789, condemned the Oath, proposed at that time, to be presented to Parliament. But permit us, my Lord, to ask, if this is a fair statement of that circumstance. Your Lordship must unquestionably have heard, that, of the four prelates who signed this censure, two signified their most earnest wish, that, the publication of it should be suspended, and never could be induced to publish it in their respective districts. Now permit us, my Lord, to declare, that, no censure, or other judicial sentence, has any effect till it is published. This is admitted equally by canonists and civilians. The Encyclical Letter of the 21st of October, 1789, was never published either in the London, or the Middle districts. How far from this circumstance it lost its integrity, and consequently its validity, even in the two districts where it was published, will certainly admit of doubt,—but surely the truth of history requires, that, when that censure is mentioned, this remarkable circumstance attending it, should not be forgotten.

We thought ourselves called upon to answer the Encyclical Letter of the 21st October, 1789. We did it by two letters, one addressed to all our Catholic brethren;—the other, particularly addressed to the four Apostolic Vicars. In the former, we gave a succinct history of our proceedings, and a short statement of the objections made to the Oath, and our answers to them.—In the latter, we replied, in terms of the most respectful deference, to the objections taken by the Vicar Apostolic of the Western District to the Oath.

In the February following, we solicited an interview with the Vicars Apostolic. The late Vicar Apostolic of the London District was then no more. The Vicar Apostolic of the Northern District refused to attend the meeting, or to depute any persons to attend it in his stead.—The Vicars Apostolic of the Middle and Western Districts, and their respective co-adjutors, attended. Being called upon to declare, in what they thought the Oath reprehensible, the Vicar Apostolic of the Western District, was understood by all present, to concede, that, it contained nothing heretical. This, however he has since denied. But being urged over and over again, to point out the objectionable passages, he declined it, and contented himself with denying to the assembly, any right to require him to inform them of the parts of the Oath he thought censurable, or his reasons for thinking them such. The Vicar Apostolic of the Middle District held a conduct totally opposite. He declared his only objection to the Oath, was the alteration from the Protestation in that clause, which relates to the right of the Pope, or the Church, to interfere with the temporal or ecclesiastical government of the country, as by law established. That being restored, he declared he should no longer have any objection to the Oath, as it then stood.—With this alteration, the Oath in full was unanimously agreed to, with the exception of the dissent of the Vicar Apostolic of the Western District, and his co-adjutors, declining to give any opinion on the subject. We beg leave to add, that
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the Vicar Apostolic of the Middle District publicly declared, that in signing the condemnation of the Oath as it then stood, he did not mean to retract his signature of the Protestation;—that he had signed the Protestation deliberately, and would inviolably adhere to it. The candor and truly christian firmness and moderation, the Vicar Apostolic of the Middle District displayed upon this occasion, increased, if possible, the veneration and respect of the public for him, and it was a singular satisfaction to us, that at the last General Meeting of the Catholics, he was appointed unanimously to be of the Committee, in the room of his deceased venerable brother.

At that meeting, we had the honor of an unanimous vote of thanks, for what the meeting was pleased to call our judicious and able exertions, to serve the Catholic cause; and we were instructed to go on with the Bill in its present state.

Here the business for the present rests. Permit us now to appeal to your Lordship's candor, whether it can be said or even insinuated, with any degree of truth, that the Oath originated with us.

As to our soliciting the appellation of protesting Catholic Dissenters:—The charge is equally unfounded. In the form in which the Bill was prepared by us, nothing of the kind was mentioned. In all our intercourse with government, we have ever styled ourselves Catholics. By that appellation we presented our address to the King and Queen, on his Majesty's happy recovery. By the same appellation we prepared our petition, and should have presented it to Parliament, but we were assured by high authority in the House of Peers, it could not be admitted.

Another circumstance mentioned in the last Encyclical Letter, as a reason for pronouncing the Oath to be unlawful, is the three provisos enacted towards the end of the Act.

But do your Lordships assume to say, that because the legislature will not repeal all the laws against the Catholics, it is therefore contrary to faith or to morals, that the Catholics should solicit an exemption from some of them. Yet this consequence, extravagant as it is, necessarily follows. Not one of the provisos has the operation of a new law; they only operate to restrain the general operation of the first clause of the Bill. Suppose the laws against the Catholics to amount in number to sixty. Might not a Catholic, without being guilty of heresy or immorality, solicit an exemption from fifty of them? Suppose then for a moment, a Bill to pass repealing, by the first clause, all the laws, without any limitation or exception; but with a proviso at the end, that nothing contained in the first clause, should extend to ten specified laws. Would it be sinful for a Catholic to solicit a Bill of this nature? This, my Lord, is exactly the case with the Bill now under consideration. The first clause exempts us from all the laws against us of a particular description; the provisos except some particular laws out of this general exemption. With your Lordships, we lament the insertion of these provisos. We go much farther; we also lament the insertion of the others. But we cannot think, that either God or
his

his Church will deem us guilty of heresy or immorality, in soliciting or availing ourselves of a bill, in which they are inserted.—After the explanation of the nature of these provisos, which we gave in the letter we before had the honor to address to the Vicars Apostolic, we confess ourselves somewhat surprised at a repetition of this charge.

It adds to our wonder, when we consider, that, the Act passed for our relief in 1778, (to which the Vicars Apostolic have so often referred, as the model for us to follow,) is in this respect equally censurable as the present;—That act contains a proviso, restraining its operation from suits then depending. Our wonder increases upon us, when we read the acts past for the relief of the Irish Catholics. The three provisos referred to by your Lordships, are those, which relate to the education of children, and to what the law calls superstitious uses. The Irish act contains provisos restraining its operation from protestants relapsing to popery, or educating their children in the popish religion. But notwithstanding these clauses, the oath prescribed by this very act, was taken by the whole body of Irish Catholics, and approved of by the whole of their respectable hierarchy: And their conduct was defended by his Grace, the most pious and learned Archbishop of Cashel. We have the honor to send your Lordship copies of the Irish Act.

In your 5th article or determination, your Lordships declare, that, the Catholic Committee, has no right, or authority to determine, on the lawfulness of oaths, or declarations, or other oaths, or instruments containing doctrinal matters. By this, your Lordships unquestionably insinuate, that, we have arrogated to ourselves this power or authority. We beg leave, my Lord, to meet this charge with a most positive denial of it; We have never claimed it.

In the minutes of the General Meeting of the 19th of February 1788, your Lordships will find, that, Lord Petre there declared, before the whole Meeting, that ‘an idea had prevailed that the Committee had undertaken to interfere in matters of a nature merely spiritual. That, the only instance, in which the Committee could be thought to have done this, was, in their deliberations, whether it would be for the benefit of religion, that, the Vicars Apostolic should be Ordinaries; that, the first step they had taken in this concern, was to write to the Vicars themselves upon it.—That the affair rested there, and that they had interfered in no other matter of a spiritual nature.’

Upon the same principle, when a public service was performed for the restoration of his Majesty's health, we desired our Secretary to procure a sufficient number of copies of the thanksgiving appointed to be said for the recovery of his Majesty, and to have them distributed at the door of the Chapel, on the day of the solemnity. But, consistently with our avowed principle of never interfering in spiritual concerns, we expressly directed our Secretary to consult with Mr. Talbot upon it. You will find an account of this in the minutes of our proceedings of the 18th of March 1789.

My Lord, to accuse, is not to prove. On our parts, we have here produced to your Lordship, a most unequivocal instance of our forbearance from interfering in spiritual concerns:

cerns; And we know it to be impossible for your Lordships, to adduce one single instance of proof, to support the charge in question; though, perhaps, the most invidious that could have been devised.

It is painful for us to enter into a discussion of this nature with your Lordships. At all times, we have been ready to meet the Apostolic Vicars; to inform them of our proceedings; to confer and co-operate with them for the public good. Why then, my Lord, precipitate matters? Why circulate this defamatory mandate? Have the faithful been edified by it? Has it served the cause of religion? Has it recommended Catholics to the favour of the nation? To those very Chapels, from the altars of which your last Encyclical Letter was promulgated, more than one of us have largely contributed.

Your Lordship has now, before you, a candid detail of our proceedings, and copies of the original minutes, respecting them. Before the great Searcher of Hearts, we now solemnly ask your Lordship, whether, on the view you now have of the bill, and our conduct respecting it, it appears to your Lordship, that, the principles of the bill, or our conduct respecting it, are such, as your Lordship has proclaimed them to be;—Your Lordship must we think confess they are not. An amicable conference of a few minutes would have saved your Lordship, the misfortune of having brought charges against us, which you must perceive are unfounded; and have saved us, the painful necessity of a defence.

On the 31st of last December our Secretary formally assured your Lordship, “ That “ we should not return till the time of the Meeting of Parliament, and that until that time, “ nothing would be done respecting the bill. That, as soon as we came to town, we would “ give your Lordship the earliest information of it, and would be happy to shew every “ attention in our power to any thing you might think proper to suggest to us.” Two noble members of the Committee had given your Lordship similar information.—On Friday * ten’night our Secretary informed your Lordship, there would be a sufficient number of the Committee, to assemble on the 25th, and that they would procure a meeting between your your Lordship and them the following day. That day your Lordship thought proper to anticipate.

* This is a mistake—the letter in question was dated and sent on the 23d of last January, which did not fall on the Friday, but the Saturday. The Committee afterwards wrote to the Vicar Apostolic of the London District, to rectify this error.—It has since appeared, that the letter in question was not sent till the Encyclical Letter was circulated.—But neither the writer, nor the Right Reverend Gentleman by whose approbation it was written, were apprised of this, at the time the letter was sent.—Parliament met on the 2d of February. That the Committee would be in town then,—and that, till then, nothing would be done, the Vicar Apostolic of the London District had been informed by Lord Stourton and Lord Petre; and by the Secretary’s letter of the 31st of December.

The only reason assigned for this, was, your Lordship had been given to understand that the papers were before Government. They have been before Government since the end of the last Sessions but one, at which time, under the sanction of the Protestation, and with the authority of the late Vicar Apostolic of the London District, we informed Government, the Oath was admissible. Upon this, the Oath was taken out of our hands. It was then the property of Government. It was in their possession, and we could not alter it. We might still negotiate and endeavour to bring about any alterations. But it depended on Government to receive or reject them. Not one letter was at our command. Every alteration in the Oath, we knew would retard, and might endanger the progress of the bill. We must therefore know, it would be highly imprudent in us to attempt unnecessary alterations. Alterations founded on misconception and misapprehension, could not but appear to us unnecessary. But when the respectable Meeting of the 3d day of February 1790, recommended an alteration; we negotiated it with Government; and we negotiated it, because it appeared to some a material, as it certainly was a verbal, deviation from the Protestation. But if alterations would satisfy their Lordships, why were they not proposed to us from the Meeting of the Vicars Apostolic in October 1789? Did their Lordships, at that Meeting, agree to countenance or reject alterations? The Vicar Apostolic of the Western District, in his letter addressed to four members of the Committee, used these very words: "To form a new Oath would be a vain attempt. For in the first place, our people, having taken the oath of 1778, are averse to take another, and cry out against having a second forced upon them. Then it would be, in all appearance, impossible to frame such an oath as would satisfy all parties; such an oath as our Catholics would take, and at the same time, such as would satisfy Ministers, &c."

No deviation from the Protestation can now be pointed out. This Protestation was signed by six Bishops, by more than two hundred of the Clergy out of the four districts, and by almost every name respectable among the Catholics of England. To this Protestation, this solemn pledge of our integrity, as Men, Christians, and Catholics, we think ourselves bound to adhere. The other parts of the Oath consist of a declaration of fidelity to our King and our country, and a profession of allegiance to his Majesty and his successors, according to the act of settlement. We assert by it, our belief of the imperial sovereignty of the kingdom of Great Britain; and our belief, that, the deposing power claimed by some ill advised Popes, is contrary to the revelation of Christ. We therefore say, we believe it to be heretical. That, it is contrary to scripture, to tradition, and the practice of the Church, we have the solemn declaration of the whole Gallican Church; nor do your Lordships deny it.—As to the qualifying term, "*heretical*," we have the authority of two Consultations of the Sorbonne, one in 1680, and the other in 1775. This is the whole substance of the Oath: Here it rests. It leaves to conscience, the rights of conscience; to the church, the rights of the church; to the successor of St. Peter, the rights of his Holy Apostolic See.

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We conclude by transcribing the words of one of the most able and most upright lawyers this kingdom ever produced; and one of the greatest friends the Catholics of this kingdom ever had. "A State or Constitution (these are his very words) has the rights of self-defence, as well as an individual; and it is competent to each Community to make such regulations, and to stipulate such conditions, as appear, on their best consideration, to produce the greatest good, and to avert the most evil, from society.—The most usual, and perhaps the most unexceptionable, is, an oath of fidelity to the state. For no man has a right to remain in, and be protected by, the laws of any community, that is plotting its destruction. On this simple and plain ground, I think every legislature ought to proceed; and I trust, that it will be thought neither injurious to the civil rights, nor offensive to the consciences of peaceable Catholics, to comply with it. Pretending to no subtle casuistry, I cannot well see, how any man who can take the oath of 1778, can rationally object to the proposed Oath."

In the above, we have given your Lordship a full and candid account of our proceedings. We beg your Lordship will do us the honor to give it an attentive perusal: and when your Lordship has given it the consideration you think it deserves, we beg you will do us the honor to appoint a time when we may meet your Lordship, and give your Lordship any further information. But we beg leave to mention to your Lordship, that, as Parliament is now met it will be necessary to fix on a very early day.

MY LORD,

With the greatest respect,

Feb. 2, 1791.

we have the honor to be

YOUR LORDSHIP'S

Most obedient and most humble Servants,

CHARLES BERINGTON.

JOS. WILKS.

STOURTON.

PETRE.

HENRY CHARLES ENGLEFIELD.

JOHN THROCKMORTON.

JOHN TOWNELEY.

THOMAS HORNYOLD.

To the Right Reverend CHARLES, LORD BISHOP of RAMA, Vicar Apostolic of the Western District;—WILLIAM, LORD BISHOP of ACANTHOS, Vicar Apostolic of the Northern District;—JOHN, LORD BISHOP of CENTURIA, Vicar Apostolic of the Southern District, of England:

MY LORDS,!

THE Bill, for the Relief of the English Catholics, being soon to be brought into the House of Commons, and your Lordships persisting in declaring the Oath enjoined to be taken by that Bill, (—a Copy of which Oath is annexed to this Instrument,—) to be unlawful—WE the underwritten, CLERGY and LAITY, appointed under an unanimous resolution of the General Meeting of the English Catholics, on the 3d day of May 1787, (convened after a public and printed notice universally circulated,) to be a COMMITTEE to watch over and promote the public interests of the English Catholics, think it incumbent upon us to present to your Lordships, *this*, our SOLEMN DECLARATION and PROTESTATION.

If the Oath contained an avowal of any point of doctrine or morals contrary to the belief of the Catholic Church, we should think it criminal in us, either to contend for its admissibility, in the present stage of the business, or to take it at a future time, if it should pass into a law.—For born and educated in the Catholic Church, we acknowledge ourselves bound by her decrees, and whatever is of faith, by the express word of Christ, or the tradition of his Church, we acknowledge it our duty to believe.

In common with every Church, in communion with the See of Rome, we acknowledge the Supremacy of the Pope. This, in the printed Case, delivered by us to the members of both Houses of Parliament, previously to any mention of our Bill in the House of Commons, we declared in the most explicit and unequivocal terms.

Before this,—having occasion to write to the Minister, on the 9th of May 1788, respecting his requisition to have the opinions of foreign Catholics on the Pope's dispensing power,—we sent him the treatise, intitled, "ROMAN CATHOLIC PRINCIPLES in Reference to GOD and the COUNTRY," and accompanied it by a letter, in which we signified it

to be a summary of our tenets, which we assured him we were persuaded every Catholic would readily subscribe to.

The 5th article of the second section of this treatise is, in the following words :

“ Catholics believe, that, the Bishop of Rome, successor of Saint Peter, is the
 “ Head of the Catholic Church, in which sense this Church may therefore fitly
 “ be styled Roman Catholic, being an universal body united under one visible
 “ Head.”

Two hundred copies of this treatise have been distributed, by our direction, among members of the Established Church and Protestant Dissenters.

Thus publicly we have acknowledged ourselves members of the Catholic Church, and professed our belief of her doctrines, particularly that of the Pope's Supremacy. Neither national prejudice,---the fear of avowing ourselves objects of the many oppressive laws still remaining in force against us,---a timorous apprehension of the policy of the measure,---nor a caution, perhaps justifiable, of keeping from the public, what the public did not expressly call upon us to proclaim, withheld us from this open and unreserved declaration of our principles.---We were sensible of the duty owing by us to our divine Legislator, of confessing him and his church before men ; at the same time we knew that none of our religious principles were incompatible with our duty, as men and citizens: we made no scruple, therefore, of proclaiming, thus publicly, before God and the nation, the integrity of our religious principles ; and having satisfied this obligation, we thought ourselves not only justified, but from the circumstances of the times, actually bound in duty to declare, with equal publicity, the integrity of our political principles.---With this view, under the sanction of all the Vicars Apostolic and all their Coadjutors, and upwards of two hundred of the Clergy, (the London Clergy particularly having been for that purpose regularly convened by their Bishop,) we signed the Protestation, and it was signed by almost every other Catholic of England of any respectability. Having given to God and the nation these two solemn pledges both of our religious and our political integrity, shame be upon those who dare to call in question either the one or the other :---we scorn the slander :---we know we are good Catholics, and good subjects.

We have apprized your Lordships of every thing respecting the business, in its progress to its present stage. Your Lordships know, that, the Oath, when first altered from the Protestation, received the deliberate approbation of the late venerable Vicar of the London District ; and that, as it now stands, it received, on the 3d of February 1790, the approbation of his most respectable brother, the Vicar Apostolic of the Middle District, in the presence of 19 Clergymen.

Still your Lordships denounce it to be unlawful to take the Oath ; and you have publicly assumed to yourselves, to inhibit the flocks you are sent to govern from taking it ;
 “ and from taking any new oath or signing any new declaration on doctrinal matters :---or
 “ subscribing any new instrument, wherein the interests of religion are concerned,” (---are
 your

your Lordships aware of the monstrous latitude of that expression?) "without the previous approbation of their respective Bishop."

My Lords, if Christ enjoins submission, he enjoins it when submission is reasonable: ---and submission must ever be unreasonable, when it is not preceded by instruction and reason.---Following the precept of her Divine Master, the Church of God, in tender regard to the weakness of her children, has generally condescended to conciliate,---has always thought herself bound to instruct ---It is a rule with her, that the lowest of her children should know of what he is accused, before he is judged; and be permitted to defend himself, before he is condemned.

Such, my Lords, is the spirit of our Divine Master; and such, conformably to his precepts, is the practice of his Church.---How widely different have been the proceedings of your Lordships! That Oath, which but a few months ago, under the sanction of a most deliberate and explicit approbation of our pastor, we had signified to be admissible;---that Oath, which was grounded on the Protestation signed, but a few months ago, by all the Vicars Apostolic, all their Coadjutors, and with few exceptions indeed, by all their Clergy; ---that Oath, my Lords, without a specification of one single objectionable clause, was pronounced by your Lordships to be unlawful, and our conduct respecting it censured.

Thus, my Lords, in our regard, no preliminaries, either of form or of right, were attended to. No measure of conciliation was used,---no instruction was vouchsafed.---In which of the articles of the Oath, the error, attributed to it, lay, was not pointed out to us; we were not permitted to explain it;---no opportunity was given us to defend our conduct. ---Is it possible to suppose your heavenly Master inspired a conduct so opposite to his own spirit, of prudence, meekness, conciliation and justice; or that your Lordships spoke the language of the Church, when you acted in a manner so little conformable to its practice?

My Lords, this is not all.---The same anathema, which is denounced, in the scripture, against those who take from the word of God, is denounced against those who add to it.---We know the Gospel enjoins us to submit to the dogmatical decisions of the Church; we also know the Gospel does not oblige us to admit as faith the bare assertions of three only of its Ministers. Individual Prelates, even National Councils may err; the Church alone is infallible. Respectable for your exemplary piety, your missionary zeal, and your many other moral and religious endowments, your Lordships are entitled to the utmost attention and respect. The utmost attention and respect we have ever paid, and shall ever pay you. When you deliver to us the solemn decisions of the Church, when you exhort, persuade, or instruct, we know you are within the sphere of your pastoral duty, and we listen with reverence to the language of the gospel and tradition. But when you deliver mysterious oracles, and undertake to silence reason and preclude discussion, by the mere authority of your Encyclical Letters, we cannot but recollect, that God and the whole collective body of the Church alone, are possessed of the right of propounding articles of belief.

Thus

Thus wandering from your proper direction, we are not surprized at your errors. We see without surprize, but with much real concern, that you are quite mistaken in your notions and statements of the principles of the Bill, and of our conduct respecting it;---that you sign the Protestation one day, retract it the next;---formally disapprove of provisos in the intended Act, and forget that more exceptionable provisos were inserted in the Act passed for the relief of the Irish Catholics, in 1778.

Surely, my Lords, when your Lordships act with so much precipitancy, when you shew such little attention to the forms or the substance of justice, when you shew yourselves so unconversant with the subjects on which you pronounce your determinations so decisively; when there is so much contradiction in your opinions, and so much disagreement among yourselves; it is possible to call in question the irrefragability of your articles and determinations without incurring the guilt of heresy, schism, or disobedience. For it is evident, under these circumstances, you are not to be considered as the Church: you are but a part of the Church: as such, you are entitled to attention and respect.---But where reason is not satisfied, where conviction has not preceded, God and the collective body of his Church alone, have a right to require submission: when, under these circumstances, it is required by any other, it cannot be that rational submission which Christ authorizes his ministers to require: and when there is so great a misapprehension of authority, there cannot but be a strong presumption, that there is an equal misapprehension of the subject to which it is applied.

To support your Lordships' requisition to submission, the only argument brought by your Lordships is, that "you are the Vicars Apostolic of this country;---are therefore the " highest ecclesiastical authority in this country; your decrees, therefore, 'till they are " reversed by an higher authority, in this country, must be submitted to."

Permit us, my Lords, to enquire if your Lordships seriously considered the above proposition before you asserted it? The constitution of the Church and the histories of every age, and almost every realm of Christendom, prove its erroneousness.

* In the year 519, under the pontificate of Pope Hormisdas, a dispute arose on the proposition, "One of the Trinity has been crucified for our salvation." The affirmative was supported by the Monks of Scythia; Pope Hormisdas was consulted upon it:---he severely censured the Monks for maintaining it; he called them obstinate and turbulent men, that despised the authority of the Holy Fathers; complained he could not stop their extravagancies by his admonitions, his mildness, or his authority, and said, they ought to be shunned. About 12 years after, Pope John the II. pronounced in favour of their proposition, and the whole Church acquiesced in his decision. But permit us, my Lords, to ask, whether, during the interval between the censure of Hormisdas and the approbation of John, ratified by the subsequent consent of the Universal Church, it was lawful for any Christian, of any part of the world, to deny the lawfulness of the proposition in ques-

* See the *Defense de la Declaration de l'Assemblée du Clergé de France*,---particularly lib. 9.

tion, though the unlawfulness of it was maintained by the Bishop of Rome, the highest authority, except that of the Universal Church, in the Christian world.

In 633, Cyrus, Patriarch of Alexandria, the first of the Monothelites, published a decree, in which he laid it down, that in Jesus Christ there was but one operation of the will. This doctrine was received by Sergius, the Patriarch of Constantinople. Sophronius, afterwards Patriarch of Jerusalem, rejected this profane novelty with horror. The Patriarch Sergius sent an account of this to Pope Honorius :---the Pope, in his answer, approves of the conduct and doctrine of Sergius, and finishes his letter, by saying, "Preach these things with us, as we preach them with you." But the doctrine thus maintained by two Patriarchs and a Pope, was afterwards condemned by the 6th General Council in 682.---We therefore ask,---During the years which elapsed between the decree of Cyrus, and the condemnation of the 6th General Council, was it lawful for an Alexandrian, a Constantinopolitan, or a Roman to maintain the position in question, though most solemnly proposed to his faith by the highest spiritual authority of the country?

We shall trouble your Lordships but with one more instance.

Your Lordships are apprized of the ravages which the heresy of Arius made in the Christian empire; in so much, that (to use the expression of one of the Fathers) the universe was astonished at finding herself become Arian.---How many Bishops, Archbishops and Patriarchs,---how many Provincial Councils and Synods, authorized by their example and their decrees this unhappy heresy! To complete the calamity, Pope Liberius yielded to it, by signing the confession of Sirmium, and abandoning St. Athanasius, whose cause was then inseparable from that of the faith.---Might not each of these unhappy Prelates have addressed their respective flocks in the language you have addressed us?---Might not they have said to them, "we are the highest ecclesiastical authority of the district in which you reside: "till our decisions are reversed by a still higher authority, it is your duty to submit to us?" But would this, my Lords, have justified the flock in obeying their decisions? Would it have justified them in denying the divinity of Christ? You see the consequence to which your position leads.---We are persuaded you will urge it no longer.

You may say, that in all the cases we have mentioned, if some Bishops and some Clergy maintained the unlawful propositions, there were other Bishops and other Clergy who opposed them. But is this not so with us? Did not the late Vicar Apostolic of the London District approve of the Oath without the Alteration? Has not the Vicar Apostolic of the Middle District approved of the Oath with the alteration? Have they not been joined by several of the Clergy, the most eminent for their learning, their piety, and other missionary endowments? Is it not supported by most of the families, from whom religion, in this country, derives the greatest succours? This is not the case of an individual acting in opposition to the Bishop. With so great a weight of authority against you, conciliation and instruction were particularly to be expected from you. Is it possible to suppose a case where they were more called for? where there was less reason, or less right, to require

that blind submission, you have required from us? In short you have spoken,---the Church has not.

Of the firm and conscientious adherence of the Right Reverend Vicar Apostolic of the Middle District, to his opinion of the lawfulness of the Oath, as it now stands, we have received the following HONORABLE TESTIMONY.

Dear Sir,

You request to know our opinion of what passed in the public conversation at Longbirch yesterday. We can have but one opinion.

"Mr. T. Talbot, repeatedly in the most unequivocal manner, declared, that he "approved of the Oath in its present form; which form, agreeably to his own requisition, "had been accepted in a public meeting on the 3d of February, 1790: that, from that "approbation, he should not recede. That, when in a letter he lately addressed to "Mr. Gibson, in London; he spoke of having condemned the Oath, he meant the Oath as "it was originally worded, for that he could not mean to say, he had condemned what he "had publicly approved.—That he even lamented the measures in the condemnation of the "first Oath, had been so precipitately conducted:—That, he thought it unnecessary at this "time, to give any new formal approbation of the present Oath, because his former "declaration, he knew, was on the minutes of the Committee, and must be publicly known. "That, he apprehended besides, should he, (as we requested he would) give you a written "approbation of the Oath, that it might still more irritate the minds of some men, and "tend to widen the unhappy breach.—Finally, that he admired the temper, and great "moderation of the gentlemen of the Committee, whose views he thought were most upright, "and whose zeal to promote the cause of religion, and the interest of their Catholic "brethren, merited the warmest commendation."

Such were Mr. Talbot's sentiments often expressed before us in the course of the day. And with regard to ourselves give us leave, Sir, on this occasion, to repeat to you our deliberate acquiescence in the words of the Oath; to lament the continuance of the opposition which is made to it; and to testify how much we applaud the general measures, which have been hitherto pursued by you, and the other gentlemen of our Committee, to obtain from Parliament a further redress of grievances.

With sincere regard, we remain,

Dear Sir,

Longbirch, Feb. 15. 1791.

Your affectionate and humble Servants,

directed to the
R. Rev. C. Berington.

Anthony Clough, Joseph Berington,
Thomas Flyn, Edward Eyre,
George Beeston,

My

My Lords, your pretensions to authority in the manner you have exercised it, being thus set aside, your Decrees must necessarily sink, into mere matters of private opinion, and have no more weight than they derive from the internal, or external evidence of their truth.

The objections to the Oath, we have so fully discussed in our former publication, that we shall now say little on the subject. But permit us, my Lords, to say, one great error prevades all we have had the honor to see in writing, or to hear in discourse from your Lordships:—YOU CONCEIVE THE WORDS OF THE PROTESTATION AND THE OATH, ARE TO BE UNDERSTOOD IN THE MEANING THEY MIGHT HAVE IN THE LANGUAGE OF THE SCHOOLS.

Thus, my Lords, the words “a right to affect and interfere,” convey to your understandings, a right to affect and interfere by the spiritual operation of spiritual censures; and the word “persons,” appears to you synonymous with the “souls or consciences.” But no two things have less relation to one another, than the language of business, and the language of the schools. My Lords, it is indisputable, that an Oath must be taken in its plain and obvious sense.—Where a doubt arises on the plain and obvious sense of an Oath, it can only be ascertained by considering it in regard to the persons who propose it, the persons to whom it is proposed,—the subject of it,—and the end, to which it is intended to be applied. In the present case, every thing of this kind, is of a temporal nature.—It is proposed by the temporal power of the State;—to Catholics, in the civil capacity of subjects; with a view to their civil and social duties;—and in order to secure their fidelity to the State. All this is of a temporal nature. This, my Lords, is the test, by which the Oath ought to be tried, and its meaning ascertained.—Tried by this test, we appeal to your own judgments, whether any part of it, will not be found perfectly harmless and unobjectionable?

The frequent instances of the imprudent interference of the ecclesiastical authority, since the Reformation, to impede the attempts of the Catholics, to obtain relief from the laws enacted against them, and the fatal consequences of those attempts, both in the case of religion, and on the persons and fortunes of Catholics, should we think, have cautioned you against too much zeal on the present occasion.

In the eleventh year of queen Elizabeth, Pius Vth, fulminated his famous bull, *Regnans in Excelsis*, in which he not only excommunicated that princess, but declared her fallen from her sovereignty, and her subjects absolved from their allegiance; and forbade them, under pain of Anathema, to obey her laws. From this period, the English Catholics have to date the national odium and oppression, under which, they have ever since laboured.—From this period it has always been asserted, that Catholics held principles inconsistent with a Protestant government; and that they could never reconcile the duties, which they owe to the supreme Pastor of their Church, with the duties which they owe to their temporal sovereign and fellow-subjects. This solemn Act of the first Pastor, is always
appealed

appealed to by their enemies, as an indisputable proof of the traitorous principles of the flock.

The Catholic body however, continued true to government, in opposition to Papal authority; and although some individuals published seditious doctrines, or attempted criminal practices, yet the body at large never suffered themselves to be infected, and remained at once steady members of the Catholic Church, and dutiful subjects to the sovereign powers of their country.----Many of the priests made the most solemn professions of loyalty and duty, notwithstanding any commands from Rome, to oppose or disobey their lawful Queen. Among the questions proposed to the missionaries by the government of this land, one was, whether they would obey and defend their Queen, although the Bishop of Rome should command them to disobey and forsake her. *

Thus the Catholics began to recover from the national odium, brought upon them by the unwise and unjustifiable bull of Pius the Vth. Under James Ist, many circumstances intitled them to expect a great degree of relief and toleration.----But they were destined to be thrown by another unwise and unjustifiable Brief, under an accumulated weight of odium. After the infernal horrors of the gun-powder treason, James the Ist. caused the Oath of allegiance to be enacted in Parliament, as a test, by which his loyal Catholics, who were attached to their duties as subjects, might be discriminated from those other Catholics, who were under the predominancy of a foreign Power.---The Catholics in general, were ardent to take the Oath, and hoped by taking it, to restore themselves to their natural rights. Churchmen again interfered, and again blasted their hopes. Three successive Briefs of Paul the Vth condemned the Oath of Allegiance, as containing many things contrary to faith and hostile to salvation. On every subsequent attempt made by the Catholics of England, to prove that their religious principles were not inconsistent with the Civil government of their country: their efforts were quashed by these authoritative decisions.

In 1648, fifty of the most respectable noblemen and gentlemen of the English Catholics, subscribed the negative of the following propositions.

I.

That, the Pope or Church, hath power to absolve any person or persons from their obedience, to the civil and political government established, or to be established in this nation in civil and political affairs.

II.

That, by the command or dispensation of the Pope or Church, it is lawful to kill, destroy, or do any injury to any person or persons living within the King's dominions, because that such a person or persons are accused, condemned, censured, or excommunicated for error, schism, or heresy.

* See Mr. Dodd's Church History.

III.

That, it is lawful in itself, or by dispensation from the Pope, to break promise, or oath, made to any of the aforesaid persons, under pretence that they are heretics.

In what manner did the subscription of the negative of these propositions affect their faith as Catholics? Yet the authority of the Court of Rome was again brought forward to stop them. Several of their leading priests were consulted, and among others the illustrious Holden, then the ornament of the English clergy, and among the most eminent of the Sorbonne divines; but on this, and on every occasion, the authority of Paul V. was held out, to deter the English Catholics from pledging their integrity as men and citizens.

Your Lordships have seen the Irish Remonstrance. It is as harmless and as free from objection as a profession of allegiance can be. Yet it was censured: the Remonstrants were excommunicated, and several of them perished from want.---It adds to the harshness, not to say the cruelty of the interference of the Court of Rome upon these occasions, that by repeated declarations the Sorbonne, and other universities of France, reprobated the doctrine of the Pope's temporal power, and while these proceedings of the *prosperous* Church of France were tolerated, the same proceedings were uniformly and severely condemned among the *afflicted* Catholics of England and Ireland.*---Thus on the one hand, the nation refused to relax the severity of the laws against the Catholics, till they disavowed the Pope's temporal power;---the Court of Rome and her delegates on the other, forbid their doing it;---and by interfering to prevent them, left them to confiscations, national odium, persecution, and death. Their last effort was an advantage taken of a difficulty arising on the words heretical. The decisions of the Sorbonne, and the many luminous and unanswerable writings, by which the divines and lawyers of France had vindicated the independence of their Sovereigns, in concerns of a temporal nature, had convinced every thinking Catholic, that the claim of the Court of Rome, either in a direct or indirect power in temporals, could not be supported; and Rome herself saw that the time was come, in which, to enforce it in the dominions of other princes, even by her spiritual censures, would be unwise and impolitic. Still she continued to assert it in her own dominions; and still the Bull in Cœna Domini, (that eternal monument of the extent and extravagance of her claims and pretensions,) was continued to be read on every Maunday-Thurs-day, within the holy walls of the Church of St. Peter. With these dispositions it is not to be supposed, she would permit, if she could hinder, an express disavowal of it by the English Catholics.---Their loyalty was however so strong, that, she found it impossible to restrain them from it any longer. When unfortunately the word *heretical* afforded a pretence for it, such of her adherents as resided in the dominions of the Court, or in dominions under the influence of Rome, contended that the whole clause in James's Oath

* See Questions on the Oath of Allegiance, by a Catholic Gentleman in 1664.

of Allegiance, by which the deposing power is denied was unlawful: some went so far as to say, the deposing power was every thing, but an article of faith. This would not be endured by English ears. In England, therefore, the doctrine was admitted to be unlawful: it was stiled a novel doctrine, a false, a scandalous, an impious, a detestable doctrine, which deserved to be rejected, with horror, by Catholics. This was allowed, but it was said, that it was not pronounced in terms heretical, by the scripture or any council. It was not, therefore, in the scholastic sense, of the word, heretical. From this it was inferred, that the Catholics could not swear it was heretical. This strange difficulty was held out as a terror, to restrain Catholics from avowing their fidelity to their king and their country, and unfortunately had too powerful an operation.* But this last effort of ingenuity at length failed of effect. Twice the Sorbonne were consulted, and twice they determined, that, the Catholics might, nay, that they ought, to take the Oath with the qualifying term heretical.

At length in 1682, came out the famous Declaration of the Gallican Clergy.

From that time sincere English Catholics saw, that the difficulties of some of their ancestors, had been ill grounded, and that they had been, for near a century and a half, the victims of Papal encroachments upon the civil rights of their country. But an opportunity did not soon present itself of justifying their tenets: in 1775, a favourable prospect seemed opening for the relief of the Catholics of England and Ireland. It was then that Sorbonne was anew consulted by the Irish Catholics, and returned their answer, in perfect conformity with the declaration of the Gallican clergy in 1682, and with the answer of their own Faculty in 1680.

In 1778, when the prejudices of darker times were removed, the Catholics of England and Ireland embraced with ardour, an opportunity of declaring the purity and integrity of their political principles. Their bishops co-operated. In vain had Paul VI declared the Oath of Allegiance irreconcilable with faith and salvation:---in vain, had he forbidden the Catholics to take that, or any similar oath:---in vain, had the authority of preceding Popes been urged to deter them:---in vain, had Cardinal-Protectors and Nuncios pretended, that, former attempts of securing Allegiance to Protestant kings against the powers of the Pope, was a corruption of Catholic faith; in vain, had they asserted, that signing a pledge of civil submission to temporal government, would do more hurt than all the former persecutions of heretics.†—All this formidable authority vanished, when the Catholics were permitted by government in an awful moment of the Empire, to declare their sincere, unfeigned principles. Their religious persuasion conscientiously attached them to the communion of the Catholic Church and Apostolic See, but as subjects and citizens, they knew no sovereign, and acknowledged no laws, but the sovereign and laws of their country. We repeat, and we confidently repeat, that, with the exception of the

* See Creffy's Apologetical Letter, and Stillingfleet's Answer.

† See the Letters of de Vecchiis Rospighosi and Barbarini.

epithetical qualification, the Oath of 1778 is virtually and in effect, the same as the Oath of Allegiance proffered by James the Ist.

If under Paul V. and Urban VIII. and Innocent X. and Alexander VII. the English and Irish Catholics had flighted, as they did in 1778, those decisions of authority, which extended its empire over temporal concerns, and therefore to objects not within its competency,—would they not have prevented the most dismal misfortunes to themselves and their posterity; and have rescued their religion from the most slanderous and abominable reproach? Had the better spirit of 1778 prevailed under Paul V. how much would the hatred and oppression of Catholics been diminished? In 1778 the unjust encroachments of authority were repelled, and the example then set will be our justification, at present, unless it be proved, that, in pledging our integrity, as men and citizens, to our country, we have really renounced some articles of catholic faith and communion.

The relief obtained in 1778 was extremely partial, and the oath, then required by Government, though adequate to the purpose of securing our loyalty, in a critical conjuncture, was not deemed by the nation a sufficient test of our social and political principles. Ancient animosities revived, and the remembrance of the horrors of 1780, will long bear testimony with what violence they burst forth. English Protestants still suspected, that, we maintained principles dangerous to society, and totally repugnant to political and civil liberty. In every publication of alarmed zeal we were called upon, by our prejudiced fellow-subjects, to renounce these dangerous principles: we were defied to renounce them consistently with our adherence to the Catholic faith. Even moderate Protestants, who expressed a desire to extend to us the blessings of toleration, insisted on this previous renunciation of imputed principles*. When we were directed at a General Meeting to apply for a repeal of the penal laws, the first requisition from the Minister to us was to state the extent of the dispensing power. For this purpose, the answers of foreign universities were procured at his request. An instrument of protestation was then presented to us, containing the objections of Protestants and the answers, which they declared would be satisfactory. We were called upon to sign this instrument,—CLERGY AND LAITY, WE SIGNED.—Are there among us persons capable of receding from their signatures and prostituting their honor?

This protestation was converted into the form of an oath. Shall we refuse to swear, when called upon by our country, what we most solemnly protested under our hand-writing? The violation of an oath may accumulate the guilt of perjury on prevarication; but veracity is equally sacred, whether a protestation be made upon honour, or upon oath. *Tantus in te sit veri amor, ut quidquid dixeris, id juratum putes*, was the exhortation of a Father of the church, and he must be destitute of christian sincerity, who thinks he is not equally bound to tell the truth without disguise, when called upon to make a solemn asseveration, as if he had an oath officially tendered. To recede therefore from any part of the Protestation

* See the Preface to the 4th Edition of Comber's Friendly Advice to the Roman Catholics of England.

would be a flagrant violation of veracity; a criminal prevarication; a mortal wound to the integrity of Catholics, and consequently an everlasting confirmation of the prejudice of Protestants, that our religion permits us to use duplicity and equivocation. Is it into this dishonour we are exhorted, nay required, by your Lordships, to plunge? Does not authority exerted to effect this purpose, tend to destruction not to edification? and if such an authority were submitted to, would not an undue respect for the ministers of religion involve the ruin of religion itself?—Have your Lordships maturely weighed these momentous consequences?

In the Protestation what have the Catholics renounced in a body, which has not been uniformly declared by their best writers, to be only aspersions on our religion. Compare the Protestation with the writings of our best controvertists; compare it particularly with the standard works of Mr. Gother and the account of catholic principles; compare it with the declarations of Catholics long before the Reformation began; will not these respectable authorities prove, that our principles are the principles of the wisest of our ancestors? Did not our ancestors ever maintain, that the crown of England was a sovereign, imperial and independent crown? That the laws of England could never be altered, but by the legislature of England? That all encroachments of foreign powers, whether civil or ecclesiastical, ought to be resisted, and consequently, that the spiritual authority acknowledged by Catholics to reside in the church, could not affect or interfere either with the prerogatives of the crown or the personal rights of the subject.

As to acknowledging no infallibility in the Pope, is it not expressly said, in the Catholic principles, that this is no tenet of our faith? but if no tenet of our faith, and we do not even believe it as an opinion, why should we be restrained from declaring, that we do not acknowledge it? especially, as it is the controul of this principle, which, above all other considerations, excites the diffidence of our protestant fellow subjects. Your Lordships cannot but recollect the immortal Raport of the Bishop of Tournay*, before the clergy of France in 1682. The following passage must have arrested your attention.

“ Si cette infallibilité étoit bien fondée; il faudroit mourir pour la soutenir; et à
 “ quelque éloignement de l’église qu’ elle porte nos freres séparés, il ne seroit jamais permis
 “ de la dissimuler. Mais, en verité, étant visible qu’elle n’est appuyée ni sur l’écriture, ni
 “ sur la tradition; et étant certain d’ailleurs, que rien ne retient si fortement les Protestans
 “ dans le schisme, que la prevention dans la quelle ils sont, que nous nous faisons un point
 “ de religion de cette infallibilité, de cette independance des canons, de cette monarchie
 “ absolue, & de cet enorme pouvoir, que quelques theologiens, de ces derniers tems, ont
 “ attribué, au Pape, contre ce que l’écriture, & toute la tradition nous enseignent, n’est il
 “ pas de notre devoir, & de notre charité pastorale, de tirer enfin le rideau, & de declarer
 “ nos vrais sentimens à toute la terre!?”

* Monsieur de Choiseul.

“ If this infallibility was well founded, it would be our duty to die for the support of
 “ it, and however great might be the distance from us, to which it forced those of our bre-
 “ thren who have separated from us, it could not be lawful even to dissemble it. But in
 “ truth it being evident, that it is founded neither on scripture nor tradition, and it being
 “ also certain, that nothing tends so much to keep protestants in the state of schism, as their
 “ prepossession, that this infallibility, and this independence of the canons, this absolute mo-
 “ narchy, this enormous power, which some divines of modern times have attributed to the
 “ Pope in contradiction to gospel and tradition, are articles of our faith, do not our duty
 “ and our pastoral charity require from us to lift up at length the veil, and declare our real
 “ sentiments to the whole world ?”

Your Lordships well know, that many attempts have been made to extend the Pope's infallibility not only to dogmatical questions of faith, but even to particular judgments concerning facts ; so that, however erroneous or ill-grounded the judgments might be, still the faithful were bound to honour them by their submission.

It was this extravagance, that diminished the respect due to the authority of the Pope, even when moving within his own sphere as first pastor of the church, and undoubtedly, carried to this excess, there cannot be a more pernicious doctrine than that of Papal infallibility. For if the Pope's judgment be irreformable, and he should, like Paul V. declare, that an oath of civil allegiance is a violation of Catholic faith, to what dire extremities would the faithful be reduced ? They could not fulfil the double obligation imposed upon them by their Saviour, of rendering to God what belongs to God, and to Cæsar what belongs to Cæsar ; they could not be good subjects and steady Catholics.

In answer to this, it is said, that the Catholic confines the infallibility to matters merely of a spiritual nature ; and therefore, if the Pope undertakes to pronounce in concerns of a temporal nature, the Catholic, though he admits his spiritual infallibility, is under no obligation of attending to him. But then, says the Protestant, if the Pope assumes to pronounce a temporal concern to be a concern of a spiritual nature, is not the Catholic bound to submit his judgment to that of the Pope ?

Thus Cardinal Bellarmine is known to have been an advocate for the Pope's indirect power in temporals, and to have held the contrary opinion to be every thing but heresy. He certainly has on his side numbers of Transalpine divines. Here then is an opinion of the most deleterious tendency ; an opinion, which strikes at the root of all established government, yet pronounced by a Cardinal of unquestionable learning and abilities as probable in the highest degree, and approaching nearly to an article of faith. Let us advance but one degree further, and suppose this Cardinal to be elected Pope, and to persuade himself, and to proclaim to the faithful, that the article in question is of a spiritual nature, and of faith :—the mischief is done.

All this to a Catholic may, and yet we cannot well see how it can, appear ideal. But to a Protestant it must appear possible, and when he reflects on the Acts of the Gregories, the Innocents, the Bonifaces, and the Pauls, and particularly on the famous bull of Pius the Vth, that direful cause of the calamities of England, and the bull of Sixtus Quintus, that direful cause of the calamities of France, it must appear to him highly probable. If therefore we do not believe the Pope to be infallible, even in religious matters, without the consent of the Church, (and by the Protestation we have declared we do not,) why should we not, for the satisfaction of our Protestant countrymen, declare upon our oath, that we acknowledge no infallibility in the Pope; and thus, by avowing our real sentiments on the principle itself, prevent every possibility of being suspected to hold the pernicious consequences which must necessarily follow, when the principle is extended to that undue and dangerous latitude, to which it has sometimes been carried? “Wonderful it is,” we say with Cardinal Turrecremata, “that, when the Popes speak themselves of their own power with moderation, some little doctors, (*doctorculi*) exceeding all bounds of reason in their adulation, seem to equal them to God.” “Thus,” says Cardinal Cusa, “while they exalt the Holy See too high, they in fact depress and confound it.” Of these Pius the Vth used to complain, and said, they had done too much mischief to the Holy See. We finish with the words of Melchior Cano;---Those who rashly, and at all rates defend the Pope’s right of judgment on every subject, do not serve his cause. No lying, no adulation does Peter require from us.---*Petrus non eget mendacio nostro, nostra adulatione non eget.* *

My Lords, we mean not to discuss with you every article of the Protestation. The Authors we have referred to are sufficient warrants. Nor is it a duty incumbent upon us, to enter into a justification of each separate position.---The instrument came to us signed by the greatest ecclesiastical authority among the Catholics of this kingdom. Were the body of our clergy, our bishops and our priests, ignorant of the grounds of their religion? Have they all concurred to sign away their faith?

There is but one observation more, that we will urge. The word, heretical, has been mentioned as inadmissible. You recollect the various decisions of Sorbonne and the other universities of France, against Sanctarellus and Malagola. The doctrine is declared novel, false, scandalous, contrary to the word of God, &c. Is it not then heretical? Consistently with their former decrees, and with the doctrine of the Gallican Church, the Sorbonne hath twice, as we have already mentioned, assured the Catholics of these dominions, that they might abjure it, as heretical. But why recur to foreign authorities? They have their Bossuet and their Choiseul: we have our Challoner and our Gother. Both these respectable persons thought the proposition in question heretical, otherwise they would not have placed the following

* Vide Caron’s Dedication to Alexander VII.

curse, at the end of one of the most popular books of controversy among the English Catholics, "Curfed is he who believes there is authority in the Church, Pope, Councils, or Priests, which can give leave to commit sin, depose, or murder sovereigns, Amen."*

These, my Lords, are our principles. A detail of our proceedings we have inserted in our letter to the Vicar Apostolic of the London District, of the 2d instant, to which we refer. To the above effect we had the honour of expressing ourselves to the Vicars Apostolic of the London and Northern Districts, at our conference on Tuesday, the 8th instant. You, my Lords, bishops of Acanthos and Centuria, will recollect, that from the time of the opening of the business, you insisted on there being no necessity of giving the reasons of your censures.—But, upon being greatly pressed, you mentioned some of the passages you objected to; and a discussion ensued on the meaning of the word, "persons," which involved in it, the material question, whether the words of the Oath were to be taken in their scholastic or ordinary sense. You will recollect our offer to submit to the opinion of two civil lawyers, two common lawyers, and two Catholic lawyers, whether by the whole of the clauses respecting the right of interference, any thing could be meant to affect the rights of conscience, or the spiritual effects of spiritual censures? That you, my Lord, bishop of Centuria, desired it to be inserted in the minutes, that you gave no answer to this proposition; and you, my Lord, bishop of Acanthos, said you had no objection, but would not stand to their decisions, and wished the above construction inserted in the Oath†. Your Lordships will recollect, with what candor and harmony, with what a tendency

* Vide Papist Misrepresented, and Represented again. Nineteenth Edition.

† Though the Vicars Apostolic did not accede to this proposition, it was afterwards thought advisable to state a Case upon the point in question for the opinion of Mr. Hill, his Majesty's Premier Serjeant at Law, the first lawyer at the bar in point of office and precedence;—and confessedly inferior to none in legal learning, and particularly eminent for his profound knowledge of the Civil and Ecclesiastical Constitution of this Country. The Case and the Opinion are copied below.—It has been objected, that the point is of a spiritual nature, and none, therefore, but a Catholic Priest is capable of judging of it, and that the opinion of the lowest Priest in the Church is to be preferred to that of the most learned among the Laity, in spiritual concerns.

But this, surely, is not a fair statement of the matter. In the Case laid before the Serjeant, the question is not made on any point of doctrine. The divine commission and spiritual authority of the Church, and the spiritual headship of the Pope, are there expressly admitted to be tenets of the Catholic faith. The point stated for his consideration does not relate to their existence, or extent. The question submitted to him is, Whether the words of the Oath are intended to amount to a denial of this spiritual authority and supremacy,—or to be confined to a denial of the Church having a right to interfere in temporal concerns, or to use temporal means to enforce her spiritual censures. When the import of a legislative Act is fixed, a Priest may judge of its casuistry;—but while a doubt arises on its import and meaning, the legislature must be the only judge of its own meaning and intention; and till the legislature speaks, those are the best judges of them, who, by their studies, habits of life, and official situations, are most conversant with, and must be therefore supposed to understand best, the language of the legislature.

The

a tendency to an amicable explanation, the discussion was going on, between Mr. Barnard, (of whose candor, explicitness, and moderation, we shall ever retain a most grateful remembrance,) on your side, and Sir Henry Englefield on ours.—When you, my Lord, bishop of Acanthos, rose from your seat, and said, that all this discussion was of no consequence; the question was, whether we would submit or not? This unexpected requisition, and

The assertion, that the opinion of the lowest Priest in the Church is to be preferred to that of the most learned among the Laity, in spiritual concerns, is, at least, questionable.—Even in the discussion of subjects merely spiritual, Religion has received, without a blush, the services of Laymen. Surely there have been Priests, whose opinions, or whose writings, are not to be preferred to those of Minutius Felix, Lactantius, Tillemont, the two Barclays, or even our own illustrious Woodhead.

T H E C A S E.

A DOUBT has arisen in the minds of some Catholics, whether some parts of the Oath, particularly the clause in red ink, do not amount to a denial of the Spiritual Rights, with which, according to their religious tenets, the Church and her Ministers, and particularly the Pope, is invested.—As those of preaching the Faith—administering the Sacraments—ordaining the Ministers of the Church—punishing by spiritual Censures, &c.—If it amount to a denial of the Pope, the Church, and her Ministers, being invested with the Rights of this nature, it is an Oath which a Catholic cannot take consistently with his religious Principles.

On the other hand, it is contended, that it is not meant to deny by the Oath any Spiritual Right of the Church, but merely the Right of the Church to interfere in temporal concerns, or to use temporal means to enforce her spiritual censures.

Two Propositions are admitted on all sides.

The one, that the Church is invested with a complete authority in spiritual concerns; and a power to enforce that authority by the spiritual means of censures; and that the Pope is the Spiritual Head of the Church.

The other, that neither the Church nor the Pope have, either directly or indirectly, any temporal power in this kingdom.

THE QUESTION, therefore, is, Whether the Oath in question, and particularly that part of it, which is written in red ink, is a denial of the Spiritual Authority of the Church, or the Spiritual Supremacy of the Pope.

No Form of Civil Government, nor any System of Laws was instituted by Christ or his Apostles, nor any Commission granted to their Successor, to enforce the Christian Doctrine by Temporal Power. The Authority of the Pope and the Church is derived from them. The words of the Oath do not import a denial of their having this Authority: they only deny their having Temporal Power, or a Right to enforce their Spiritual Authority by Temporal Power. This is all the Party who takes the Oath, will, or can be understood to swear or to assert, when he swears, in the words of the Oath, *that they have no Jurisdiction or Authority, that can either directly or indirectly affect or interfere with the Independence, Sovereignty, Laws, Constitution, or Government thereof, or with the Rights, Liberties, Persons or Properties of the People of the said Realm, or any of them;*—therefore, I think the Oath is not a denial of the Spiritual Authority of the Church, or the Supremacy of the Pope.

Lincoln's-Inn, February 18, 1791.

* The words in Italics are those which were written in red ink.

G. H I L L.

particularly

E R R A T U M.

In the Note to *Page 28, Line 4*, of the
Letter of Protestation of the Catho-
lic Committee to the Three Vicars
Apostolic, *dele* the word, *Tillemont*.



The first of these is the fact that the
 text is written in a very early hand,
 and is therefore of great value for
 the study of the history of the
 language. The second is the fact
 that the text is written in a very
 early hand, and is therefore of great
 value for the study of the history
 of the language. The third is the
 fact that the text is written in a
 very early hand, and is therefore of
 great value for the study of the
 history of the language.

particularly the mode and the time, in which it was made, struck us with astonishment, and we requested to have your requisition in writing. It was accordingly committed to writing, and we withdrew into another room to give our answer.

Your question was,

“ Whether the Committee intended to submit not to proceed further in the business of the Bill, without the approbation of the Bishops ? ”

To the above question our reply was,

“ We have the greatest respect for episcopal authority, and are always disposed to obey its decisions, when applied to proper objects, and confined within proper limitation. But we say with St. Leo, *Manet Petri privilegium ubicumque ex ipsius æquitate fertur iudicium*. The requisition of submission, made by the two Apostolic Vicars, appears in the present instance not grounded in equity. No proof of the proposed Oath's containing any thing contrary to faith or morals, has been produced; and we cannot acquiesce in the requisition, without continuing, encreasing, and confirming the prejudices against the faith and moral character of the Catholics, and the scandal and oppression under which they labour in this kingdom. We therefore refuse to submit to the above requisition, and we give your Lordships notice, that we shall appeal from it to all the Catholic Churches in the universe, and especially to the first of Catholic Churches, the Apostolical See, rightly informed.”

Signed by

CHA. BERINGTON,	STOURTON,
JOS. WILKS,	PETRE,
	H. C. ENGLEFIELD,
	JOHN THROCKMORTON,
	JOHN TOWNELEY,
	THOMAS HORNOLD.

Notwithstanding this declaration, we still request, your Lordships to say, whether, you will suggest any addition or qualifying explanation, which can be admitted consistently with the instrument of Protestation, signed by the Apostolic Vicars, more than two hundred of the clergy, and almost every respectable Catholic in England, and we will exert our best endeavours in negotiating the admission of such an addition or qualifying explanation.

Signed by

CHA. BERINGTON,	STOURTON,
JOS. WILKS.	PETRE.
	H. C. ENGLEFIELD,
	JOHN THROCKMORTON,
	JOHN TOWNELEY,
	THOMAS HORNOLD.

This our answer and request we delivered to your Lordships. After some further discussion, you, my Lord, bishop of Centuria, said you intended it should have been an amicable conference, and moved that the question and answer might be thrown into the fire. You, my Lord bishops of Acanthos and Centuria, were asked, if you would retract the requisition, and both refused to retract it.

Therefore, my Lords Bishop of Rama, Vicar Apostolic of the Western District;—my Lord, bishop of Acanthos, Vicar Apostolic of the Northern District;—my Lord, bishop of Centuria, Vicar Apostolic of the Southern District;—

YOUR LORDSHIPS HAVING BROUGHT MATTERS TO THIS POINT:

Convinced, that we have not been misled by our clergy;—convinced, that we have not departed from the principles of our ancestors;—convinced, that we have not violated any article of Catholic faith or communion;—WE, the Catholic Committee, whose names are here under written, for ourselves, and for those in whose trusts we have acted, do hereby, before God, solemnly protest, and call upon God to witness our protest, against your Lordships' Encyclical Letters of the 19th day of October 1789 and the 21st day of January last, and every clause, article, determination, matter, and thing therein respectively contained: as imprudent, arbitrary and unjust; as a total misrepresentation of the nature of the Bills to which they respectively refer, and the Oaths therein respectively contained; and our conduct relating thereto respectively;—as encroaching on our natural, civil and religious rights, inculcating principles hostile to society and government, and the constitution and laws of the British empire: as derogatory from the allegiance we owe to the state, and the settlement of the crown: and as tending to continue, encrease and confirm the prejudices against the faith and moral character of the Catholics, and the scandal and oppression under which they labour in this kingdom.—In the same manner we do hereby solemnly protest, and call upon God to witness, this our solemn protest, against all proceedings had, or hereafter to be had, in consequence of, or grounded upon, your Lordships' said Encyclical letters, or either of them, or any representation of the Bills or Oaths therein respectively referred to, given or to be given by your Lordships or any of you.

And, from your Lordships' said Encyclical Letters, and all proceedings, had or hereafter to be had, in consequence of, or grounded upon, the same, or either of them, or in consequence of, or grounded upon, any representations of the said Bills, or Oaths, or either of them, given or to be given by your Lordships, or any of you; we do hereby
 appeal

appeal, and call on God to witness our appeal, for the purity and integrity of our religious principles, to all the Catholic Churches in the universe, and especially to the first of Catholic Churches, the Apostolical See, rightly informed.

CHARLES BERINGTON.

JOS. WILKS.

STOURTON.

PETRE.

HENRY CHARLES ENGLEFIELD.

JOHN LAWSON.

JOHN THROCKMORTON.

WILLIAM FERMOR,

JOHN TOWNELEY.

THOMAS HORNYOLD.

The

The Oath of Allegiance and Abjuration, and of Protestation and Declaration.

I A. B. do sincerely promise and swear, That I will be faithful and bear true Allegiance
 “ to Majesty and I do truly
 “ and sincerely acknowledge, profess, testify, and declare in my Conscience, before God and
 “ the World, that our Sovereign is lawful and rightful
 “ of this Realm, and of all other Majesty’s Dominions thereunto belonging:
 “ And I do solemnly and sincerely declare, that I do believe, in my Conscience, that not any
 “ Descendants of the Person who pretended to be Prince of *Wales* during the Life of the
 “ late King *James* the Second, and, after his Decease, pretended to be, and took upon him-
 “ self the Stile and Title of King of *England* by the Name of *James* the Third, or of *Scot-*
 “ *land* by the Name of *James* the Eighth, or the Stile and Title of King of *Great Britain*,
 “ hath any Right or Title whatsoever to the Crown of this Realm, or any Dominions there-
 “ unto belonging: And I do renounce, refuse, and abjure any Allegiance or Obedience to
 “ any of them: And I do swear, that I will bear Faith and true Allegiance to
 “ Majesty and will defend to the utmost of my
 “ Power against all traitorous Conspiracies and Attempts whatsoever, which shall be made
 “ against Person, Crown, or Dignity; And I will do my utmost Endeavour to
 “ disclose and make known to Majesty
 “ and Successors, all Treasons, and traitorous Conspiracies, which I shall know
 “ to be against: And I do faithfully and fully promise, to the utmost of my
 “ Power, to support, maintain, and defend the Succession of the Crown against the Descen-
 “ dants of the said *James*, and against all other Persons whatsoever; which Succession, by an
 “ Act intituled, *An Act for the further Limitation of the Crown, and better securing the Rights*
 “ *and Liberties of the Subject*, is, and stands, limited to the Princess *Sophia*, Electress and
 “ Duchess Dowager of *Hanover*, and the Heirs of her Body, being Protestants: And I do
 “ swear, that I do, from my Heart, abhor, detest, and abjure, as impious and heretical, that
 “ damnable Doctrine and Position, that Princes excommunicated by the Pope, or by Autho-
 “ rity of the See of *Rome*, may be deposed or murdered, by their Subjects, or any other
 “ Persons whomsoever: And I do protest and declare, and do solemnly swear it to be my
 “ most firm and sincere Opinion, Belief and Persuasion, That neither the Pope, nor any
 “ Prelate

" Prelate or Priest, nor any Assembly of Prelates or Priests, nor any Ecclesiastical Power
 " whatsoever, can absolve the Subjects of this Realm, or any of them, from their Allegiance
 " to his said Majesty: And that no Foreign Church, Prelate or Priest, or Assembly of Pre-
 " lates or Priests, or Ecclesiastical Power whatsoever, hath, or ought to have, any Jurisdic-
 " tion or Authority whatsoever within this Realm, that can, directly or indirectly, affect
 " or interfere with, the Independence, Sovereignty, Laws, Constitution, or Government
 " thereof, or the Rights, Liberties, Persons, or Properties of the People of the said Realm,
 " or any of them: And that no Person can be absolved from any Sin, nor any Sin whatever
 " be forgiven, at the Pleasure of any Pope, or of any Priest, or of any Person whomsoever;
 " but that Sorrow for past Offences, Resolution to avoid future Guilt, and Atonement to
 " God and the injured Neighbour, are indispensably requisite to obtain Forgiveness of Sin:
 " And that no Breach of Faith with, or Injury to, or Hostility against, any Person whom-
 " soever, can ever be justified, by Reason, or under Pretence, that such Person is an Here-
 " tic or an Infidel: And that neither the Pope, nor any Prelate, nor any Priest, nor any
 " Assembly of Prelates or Priests, nor any Ecclesiastical Power whatever, can, at any Time,
 " dispense with, or absolve Me from, the Obligations of this Oath, or of any other Oath, or
 " of any Compact whatsoever; And I do also, in my Conscience, declare, and solemnly
 " swear, That I acknowledge no Infallibility in the Pope: And all these Things I do plainly
 " and sincerely declare, acknowledge, and swear, according to these express Words by Me
 " spoken, and according to the plain and ordinary Sense of the same Words, without any
 " Equivocation, mental Evasion, or secret Reservation whatsoever: And I do make the
 " aforesaid Protestation, Declaration, Recognition, Acknowledgment, Abjuration, Renun-
 " ciation, Promise, and Oath, heartily, willingly, and truly, upon the true Faith of a Chri-
 " stian. So help me God."

E R R A T U M.

In the 37th Line of the 3d page of the Letter written by the Catholic Committee, to the
 Catholics of England, dated, 25 November 1789, *dele* the word *then*.

ENCYCLICAL LETTER.

CHARLES, Bishop of Rama, Vicar Apostolic of the Western District; WILLIAM, Bishop of Acanthos, Vicar Apostolic of the Northern District; and JOHN, Bishop of Centuria, Vicar Apostolic of the Southern District.

TO ALL THE FAITHFUL, CLERGY AND LAITY OF THOSE RESPECTIVE DISTRICTS.

WE think it necessary to lay before you the following Articles and Determinations.

1st, We are informed that the Catholic Committee have given in, or intend to give in, a Bill, containing an Oath, to be presented to Parliament, in order to be sanctioned by the Legislature, and the Oath to be tendered to the Catholics of this kingdom.

2^{dly}, The four Apostolical Vicars, by an Encyclical Letter dated October 21, 1789, condemned an Oath, proposed at that time to be presented to Parliament, and which oath they also declared unlawful to be taken.† Their condemnation of that oath was confirmed by the Apostolic See, and sanctioned also by the Bishops of Ireland and Scotland.

3^{dly}, Some alteration has been made by the Catholic Committee in that condemned oath; but, as far as we have learned, of no moment; consequently the altered oath remains liable to the censure fixed on the former oath.

4^{thly}, The four Apostolical Vicars, in the above mentioned Encyclical Letter, declared, that, *None of the Faithful, Clergy or Laity, ought to take any new Oath, or sign any new Declaration, in Doctrinal matters, or subscribe any new Instrument wherein the Interests of Religion are concerned without the previous approbation of their respective Bishop, and they required submission to those Determinations.* The altered oath has not been approved by us, and therefore cannot be lawfully or conscientiously taken by any of the Faithful of our Districts.

5^{thly},

given in,
denied: the
oath of the bill
were framed
by government
not by the com-
mittee.

+ Two of the
App. V.V. thought
they joined in
this encyclical
letter, desired it
might not be
published, and
would never be
published it in
their respective
districts; and
it was never
published in the
London or the
middle districts
2. Did it lose
its integrity &
validity, in the
two other dis-
tricts?

if they assume no
such right or au-
thority, but posi-
tively disclaim it.

5thly, We further declare, that the Assembly of the Catholic Committee has no right or authority to determine on the lawfulness of Oaths, Declarations, or other Instruments whatsoever containing Doctrinal matters; but that this authority resides in the Bishops, they being, by Divine Institution, the Spiritual Governors in the Church of Christ, and the Guardians of Religion.

In consequence likewise of the preceding observations, we condemn, in the fullest manner, the attempt of offering to Parliament an Oath, including Doctrinal matters, to be there sanctioned, which has not been approved by us: and, if such attempt be made; we earnestly exhort the Catholics of our respective Districts to oppose it, and hinder its being carried into execution; and for that purpose to present a Protestation or Counter-Petition, or to adopt whatever other legal and prudent measure may be judged best.

Finally, we also declare that, conformably to the Letter written to the Catholic Committee by the four Apostolical Vicars, October 21, 1789, we totally disapprove of the Appellation of Protesting Catholic Dissenters* given us in the Bill, and of three Provisoes^o therein contained, and expressed in the said letter of the four Apostolical Vicars.

We shall here conclude, with expressing to you our hopes, that you have rejected with detestation some late publications, and that you will beware of others which may appear hereafter. Of those, that have been published, some are schismatical, scandalous, inflammatory, and insulting to the Supreme Head of the Church, the Vicar of Jesus Christ.

London, Jan. 19, 1791.

- ✦ Charles Ramaten, V. A.
- ✦ William Acanthen, V. A.
- ✦ John Centurien, V. A.

if this appellation
was not originated
by the committee,
which always
used that of
Catholics: but
the Legislature
would not be
content with that
appellation.

These three
provisoes are
not a new law,
but only a res-
triction of what
is contained in the first
clause of the bill: these provisos are particular exceptions
against a general repeal of the laws already in being: the
protestation has its proviso, as well as the act in
favour of the Irish Catholics.

A letter addressed to the Catholics of England [Mit 2 Beilagen]

London 1792

4 H.eccl. 1501 z

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